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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: BENJAMIN ANGLE

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15 Tuesday, March 29, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:07 a.m.

21 Present: Representative Lofgren.

1 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] INVESTIGATIVE COUNSEL

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] PROFESSIONAL STAFF MEMBER

10 [REDACTED] PROFESSIONAL STAFF MEMBER

11 [REDACTED] FINANCIAL INVESTIGATOR

12 [REDACTED] CHIEF CLERK

13 [REDACTED] FINANCIAL INVESTIGATOR

14 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

15

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17 For BENJAMIN ANGLE:

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19 JASON TORCHINSKY

20 JESSICA JOHNSON

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2 Mr. [REDACTED] This is the transcribed interview of Benjamin Angle,
3 conducted by the House Select Committee to investigate the January 6th attack on the
4 United States Capitol, pursuant to House Resolution 503.

5 At this time, I'd ask the witness to please state your full name and spell your last
6 name for the record.

7 Mr. Angle. Good morning. My name is Benjamin Michael Angle. Last name is
8 spelled Angle.

9 Mr. [REDACTED] This will be a staff-led interview, though Members may
10 choose to speak -- may choose to ask questions. I will note we do not have any
11 Members present at this time.

12 My name is [REDACTED] and I am investigative counsel with the
13 Select Committee. With me from the Select Committee, [REDACTED],
14 investigator, [REDACTED], another investigator.

15 Joined with us remotely are senior investigative counsel, [REDACTED] and
16 investigator [REDACTED].

17 At this time I'd ask counsel to identify himself for the record.

18 Mr. Torchinsky. Jason Torchinsky of Holtzman Vogel, and with me is Jessica
19 Johnson.

20 Mr. [REDACTED] Thank you.

21 Now, Mr. Angle, you are voluntarily here for this transcribed interview. I'm going
22 to give you some ground rules for the interview. There's an official reporter transcribing
23 the record of this interview. The reporter transcription is the official record of the
24 proceeding.

25 This proceeding is also being video recorded.

1 Please wait until each question is completed before you begin to respond, and we
2 will do our best to wait until your response is complete before we ask the next question.

3 The reporter cannot note nonverbal responses, such as shaking or nodding your
4 head, so it is important that you respond to each question with an audible, verbal
5 response. Now, please give complete answers to the best of your recollection. If a
6 question is unclear, please ask for clarification. If you do not know the answer, please
7 just say so.

8 Finally, we remind you that it is unlawful to deliberately provide false information
9 to Congress. Doing so could result in criminal penalties.

10 Logistically, please let us know if you need any breaks or whether you'd like to
11 discuss anything with your attorneys. We're happy to accommodate.

12 Do you have any questions before we begin?

13 Mr. Angle. No, sir.

14 EXAMINATION

15 BY MR. [REDACTED]

16 Q Now, Mr. Angle, do you recall that we had an informal interview?

17 A I do.

18 Q Our interview today will cover many of those same topics and subjects.

19 Can you provide us with your date of birth?

20 A

21 Q And where do you reside?

22 A Alexandria, Virginia.

23 Q And do you have any social media accounts?

24 A I do not.

25 Q Was that true in December 2020 and January '21?

1 A It was.

2 Q And what email addresses do you use?

3 A I use my work email address primarily, BenA@natmedia.com. And I have a
4 handful of other work-related email addresses. There's a Harris Sikes email address that
5 I used in 2020 and 2021.

6 Q And what is that email address?

7 A I believe it's Benjamin@HarrisSikesMedia.com.

8 Q Okay.

9 A I'd have to check it. I haven't used it in quite a while.

10 Q Any others?

11 A I just got Gmail this year.

12 Q Okay. What's your highest level of education?

13 A I have a master's degree.

14 Q From where?

15 A Virginia Tech.

16 Q And in what field?

17 A Public administration.

18 Q And what were your underwriting studies in?

19 A Communications from Lynchburg College.

20 Q Now, let's go at a 50,000-foot level about your professional background.

21 A Sure.

22 Q Yeah. Just walk us through the last 10 years or so of your professional
23 background.

24 A Sure. I've been at National Media since 2006. I worked in the media
25 department the whole time, varying levels of responsibility. I've grown into the role,

1 over my time there, from an entry-level employee to, you know, managing a staff, you
2 know, serving clients, doing buys.

3 Q And what's your current title?

4 A CMO.

5 Q Which stands for what?

6 A Chief media officer.

7 Q And what are your roles and responsibilities as the CMO?

8 A Everything from hiring and training staff to managing clients, building plans,
9 buys for clients, pitching clients. I had to even do clerical work when we're short on
10 staff, you know, reconciling, entering rates.

11 Q Now, what does it mean to be a media buyer?

12 A You're someone who purchases ad time or space from media companies for
13 an advertiser, your client.

14 Q When you say media companies, what does that involve?

15 A Media companies, like Disney, NBC Universal, Warner, Scripps, TEGNA, you
16 know, companies that own media properties.

17 Q And does that mean, like, effectively just television time?

18 A It could -- it could be anything. It could be television, radio, print, digital,
19 out of home. Digital.

20 Q Okay. And do you cover all those different mediums?

21 A I can. I'm --

22 Q What's your -- I'm sorry. Go ahead.

23 A I primarily spend my time in what's called linear or traditional media, which
24 would be television, radio, print, out of home.

25 Q Sorry, what's the last thing you said?

1 A Out of home. Think billboards.

2 Q Out of home. Okay.

3 A Yeah, billboards.

4 Q How much of your work involves political campaigns?

5 A It depends on the year. You know, this year, like I said, 2022 now -- in
6 2021, very little. I don't know if I actually did any political in 2021. But in an
7 even-numbered year, I'd say between 65 and 80 percent.

8 Q So is it fair to say that in an election year, you specialize in political
9 placement -- placement of political ads?

10 A That's fair.

11 Q And how long have you been involved in placing political media?

12 A Since 2006.

13 Q Can you give us examples of campaigns you've worked for, placing ads for?

14 Mr. Torchinsky. Start with the --

15 Mr. Angle. Sure. So -- sure. We've done candidate campaigns. I mean, one
16 of the first I worked on was Arnold Schwarzenegger for Governor in 2006. I've worked
17 on NRSC campaigns, NRCC, obviously the Donald J. Trump for President campaign.

18 BY MR. [REDACTED]

19 Q Was that your first Presidential campaign?

20 A In 2016 -- well, for -- for the general election, yes. I worked on the Mitt
21 Romney campaign when he was a Republican nominee, but he didn't ultimately win the
22 nomination in 2007, 2008. And then -- that was McCain then, right?

23 Mr. Torchinsky. Yeah.

24 Mr. Angle. Yeah. So McCain ultimately won obviously that -- that primary, was
25 the Republican nominee that year. And then -- yeah, that was the only one other than

1 the Trump campaign in 2016 and 2020.

2

BY [REDACTED]

3 Q When did you become involved with the 2020 Presidential campaign of
4 President Trump?

5 A I suppose in September of 2016. When they hired us, we were always
6 their -- their agency of record, but we really didn't start planning anything for 2020 until
7 first quarter of 2019.

8 Q Now, who primarily did you work with -- when you started working on the
9 2020 cycle, who were you primarily working with from the campaign?

10 A So we're talking about 2019 when we began working on it?

11 Q Yes, sir.

12 A Brad Parscale.

13 Q Was there anyone else you worked with, spent a lot of time working with
14 from the campaign?

15 A He had several people on his staff. Claire Murphy-Cook was the primary
16 contact.

17 Q Did there come a time in the cycle when someone else other than Brad
18 Parscale became your primary contact for the campaign?

19 A Yeah, summer of 2020 when -- when Brad was removed from his job as the
20 campaign manager. Jason Miller became the primary contact.

21 Q And who is Jason Miller?

22 A He was an adviser to the President.

23 Q And with regard to the work you did, what role did he serve?

24 A He requested media plans from us and approved our -- our work. He was
25 the one that would say that we could -- you know, gave approval to place media buys and

1 to send invoices.

2 Q And what is a media plan?

3 A It's the -- the document that we prepare for any client that recommends
4 how we should spend their budget to place their ads. So it's -- it's a budgeting
5 document with strategy in terms of, we're going to place this many ads on these places
6 on these dates and times.

7 Q And when you say "strategy," what's the strategy getting at?

8 A It completely depends on the client and what they need at that particular
9 time. You know, usually it's, you know, reaching a certain target audience. You know,
10 do you want to reach voters. If so, what are they watching, and where should you
11 spend the money.

12 Q In 2020, were you the sole, as far as you know, the sole media buyer for the
13 campaign?

14 A As far as I know, our agency.

15 Q And how much revenue did -- or, you know, let me put that -- what was the
16 size of the media buy that cycle from the Trump campaign?

17 A For the year -- calendar year 2020?

18 Q Yeah, approximately.

19 A \$270 million gross.

20 Q And was that in line with what 2020 -- excuse me -- 2016 looked like?

21 A No.

22 Q How did it compare?

23 A It was bigger.

24 Q By what scope, like, how much bigger?

25 A Well, in 2016, we were hired in mid-September -- I think it was September

1 16th -- so we only worked with him for 7 weeks. But I believe we were somewhere in
2 the \$85- to \$90 million gross placement range.

3 Q And was the Trump campaign the largest client for National Media that
4 year -- 2020?

5 A Yes.

6 Q Now, can you explain the difference between National Media and Harris
7 Sikes Media?

8 A Harris Sikes is a dba of National Media, so it's a buying entity that we use to
9 firewall different clients.

10 Q And what's the need to firewall the -- is that for campaign finance reasons or
11 how does that work?

12 A It's part of it. I'm sure the lawyers in your room and my room can explain it
13 way better than I can. But it's to make sure that -- that there's no coordination.

14 Q Okay. Now, you mentioned that Jason Miller handled -- you gave him
15 invoices. Is that right?

16 A Correct.

17 Q You've heard of the company American Made Media Consultants?

18 A Yes.

19 Q And what is that company?

20 A That was the company that managed the Donald J. Trump for President, Inc.,
21 campaign.

22 Q And when you say you provided invoices to Mr. Miller, was that -- did that
23 have any relation to AMMC?

24 A Yes. The invoices were sent to AMMC.

25 Q Okay. And was an individual named Sean Dollman involved with that?

1 A He was a contact, yes.

2 Q And what role did Sean Dollman serve?

3 A As far as I know, an accounting role.

4 Q With AMMC?

5 A Yes.

6 Q So when you -- in the preelection time -- and we're going to see whether it
7 changed post election -- when you did buys for the campaign, those invoices were
8 submitted to AMMC through Mr. Miller. Is that accurate?

9 A I don't -- I don't 100 percent follow. What do you mean? Like, were they
10 just emailed to Jason or --

11 Q No, not even that -- not even that granular. I'm asking, when the entity
12 that you build -- that National Media build, was that AMMC?

13 A Yes.

14 Q And did that remain the same post election?

15 A No.

16 Q Okay. And what was the building structure post election?

17 A It -- it changed. There was a portion that was AMMC, and then there
18 was an invoice -- there may have been multiple invoices that were sent directly to the
19 campaign, so Donald J. Trump for President, Inc.

20 Q And were any preelection invoices sent directly to the campaign?

21 A Not that I recall.

22 Q Okay. What was the reason for the change post election?

23 A It was directed to us by -- by the folks on the campaign.

24 Q Who?

25 A I don't -- I don't recall who would've given us that.

1 Q Did you take directions from anyone besides Jason Miller from the
2 campaign?

3 A At what point in time?

4 Q Post election.

5 A Jason Miller, to my recollection, was the primary person making requests.

6 Q Anyone else you recall that could give you directives on behalf of the
7 campaign?

8 A He had a couple staff members that would speak for him or contact me for
9 him. Kaelan Doerr. Kaelan Doerr is one person that worked with him who would
10 reach out to me.

11 Q And how do you spell Kaelan Doerr?

12 A K-a-e-l-a-n, D-o-e-r-r.

13 Q But it's fair to say that if you got a directive from the campaign, it ultimately
14 came from Mr. Miller, post election?

15 A That was my understanding.

16 Q All right. So let's go to November. So we have different buys you do for
17 the campaign in the calendar year 2020. The election happens on November 3rd. Do
18 you recall the next time you did any work with the campaign post Election Day?

19 A Well, for us, as soon as the election ends, our reconciliation process begins.
20 So that -- that would've been work for the campaign. And we start that usually within a
21 day or two after an election. We usually give our staff a day off, but then we get right
22 back to it.

23 Q Explain to us what that process looks like.

24 A So, in political media buying, we're required to pay cash in advance for any
25 advertising time placed, and then on the back end, once the campaign is over, once a

1 schedule has run, we have to reconcile those schedules.

2 So sometimes a schedule didn't run the way that it was ordered for any number of
3 reasons. So we have to check and see if there's any money that was unspent and
4 collected, so we can return it to the campaign -- or return it to where it came from.

5 Q So for -- how long did that process take in 2020, for the Trump campaign?

6 A Oh, it took -- it was 6 or 8 months. It takes a long time.

7 Q Okay. In November of 2020, were you working just on that reconciliation
8 process?

9 A For the campaign, yes.

10 Q Yeah. Did there come a time where the campaign then asked for you to
11 engage in further media buying?

12 A Yes.

13 Q And when was that?

14 A I don't remember exactly when. It would've been sometime after the
15 election but before mid-December.

16 Q And tell us a bit about your recollection as to the reach-out for that and how
17 that happened?

18 A There was a request to run ads on conservative-skewing networks, like Fox
19 News and Newsmax and OAN.

20 Q Who asked you to do that?

21 A To my recollection, Jason Miller.

22 Q Okay. And what did Mr. Miller tell you was the purpose of these ads?

23 A I don't recall.

24 Q Was that -- so as part of your job, you have to be aware of the substance of
25 the ads, correct, in order to work with networks to get them approved?

1 A Not all the time. More often than not, I don't actually see the ad or the
2 creative.

3 Q Was that true in this instance, post election with the Trump campaign?

4 A It -- with the Trump campaign, I would -- I would ask for copies so that I
5 could send them for approval, to help with what's called the S&P, the standards and
6 practices review process. And that was something this client let me do so that we could
7 help manage getting their ads on the air.

8 Q Walk us through how that process works, getting through the S&P process.

9 A It varies by media company, but what -- what I try to do is, I try to get a copy
10 of the ad, whatever they intend to run, so that I can send it on to the media company for
11 their -- their S&P team to review, you know.

12 And every -- every media company has their own standards that they apply to a
13 piece of creative. So it's not uncommon for one piece of creative to be approved in one
14 place and not another.

15 Q Because some places have stricter standards, some networks have less strict
16 standards. Is that fair?

17 A Well, I can't -- I guess I can't comment on how someone defines strict. You
18 know, if they're rejecting my ad, it seems strict, but to someone that doesn't want it to
19 run, it might seem fair, so.

20 Q Well, just to be clear, in every question I ask you, I'm asking for your opinion
21 or your -- from what you think. So I think you can comment on it to the extent you have
22 a view.

23 A Well, it's tough because there's -- there's not a model where I can review an
24 ad and tell a client that I think this is going to be approved because I've always been
25 surprised, because I'm not part of the S&P teams. And in order to keep it clean from

1 sales to media buying, S&P doesn't talk to us.

2 So I get secondhand information from a sales rep, and often it's very limited
3 about, you know, why a spot is or isn't approved. Some vendors don't tell us why it is or
4 isn't rejected. They just say approved or rejected, and that's it.

5 Others will give us comments and say, this particular piece of copy, or this
6 particular image is the reason we won't accept it. You know, you can change it, you can
7 remove it, or we won't run it.

8 So it's a wide range of -- of scenarios that unfold, all in a short period of time.

9 Q Around this time, is it accurate that Jamestown Associates created the
10 content of the post-election ads for the Trump campaign?

11 A To my recollection, they created all the ads after the election, yes.

12 Q Okay. And did you work with them preelection as well?

13 A They created some of the ads. They were not the sole ad vendor for the
14 campaign.

15 Q Were they the primary preelection ad creator for the campaign?

16 A I think that's fair.

17 Q Okay. So is it fair to say you had an extensive working relationship with
18 Larry Weitzner from Jamestown Associates?

19 A Yes, I worked with him.

20 Q Now, going post election, I just want to get a sense of how this process
21 works. Is it fair to say the first step -- not the first step, but an early step is that the
22 content is created, and then you then take that content, provide it, it sounds like, to a
23 sales rep, who then gives it to the S&P team. Is that right?

24 A Again, it varies by vendor. Sometimes it goes through the sales rep.
25 Some vendors, NBC Universal for instance, has an online portal where you have to upload

1 a very specific type of file with all the documentation to support it. So the sales team is
2 not involved in that step. So it varies.

3 Q And with some networks, did you interact directly with the S&P team?

4 A No. I never interacted with an S&P team, other -- other than uploading
5 something to a sales portal.

6 Mr. Torchinsky. Ben, I just want to ask a clarifying question. On the S&P thing,
7 would you say different stations run their S&P review in different ways, or was there a
8 uniform S&P process?

9 Mr. Angle. They're all different.

10

BY [REDACTED]

11 Q And Mr. Angle, we'll talk about the different relevant networks so we can get
12 your take on what that's about.

13 Do you recall these post election ads being about election fraud?

14 A I don't recall -- I don't recall what the ad was about.

15 Q Okay. So you have no idea what the campaign -- what the content dealt
16 with post election?

17 A Right. I just don't recall right now what the ad was about.

18 Q I guess, when you say what it was about, are you saying that -- I understand
19 there are specific assertions that are made in political ads, and there's also, like, what's it
20 about on a broad scale. Are you saying you don't recall either one of those?

21 A Correct.

22 Q Okay. Was it odd for a campaign to be running -- running ads post
23 election?

24 A I had never run ads for a campaign after Election Day.

25 Q So is it fair to say that it was noteworthy?

1 A From me, yes, it was the first time I'd done it.

2 Q Okay. Let's look at the -- we're going to show you a document --

3 A Okay.

4 Q -- that you're on, and it's a document from December 8th, so we start at the
5 bottom -- from December 8th from Larry Weitzner to you and a variety of individuals.
6 The subject line is "new project." And it says, "Team, I was asked by Jared and DJT to
7 work on an ad about election fraud. Attached is a 60-second script doing that. It will
8 be followed by a 30, focusing the Georgia example and another on a multi-State fraud. I
9 know we have significant issues getting the ads on air. We took out a lot of the
10 language that I think Fox would object to, but I would assume we get pushback anyway.
11 We have a \$10 million budget to start, and it could go to 40. Ben, can we look at Fox,
12 OANN, Newsmax, and network buys. I think this should be national as much as possible.
13 I do not know for sure whether this will be RNC or Trump. Jason is working on that.
14 Let me know your thoughts on the script and buy. They want to move very fast."

15 Do you recall getting this email from Larry Weitzner?

16 A If you had asked me before you showed me, I'd have said I didn't recall, but
17 I -- I mean, we get, in election cycle, we get hundreds of emails a day. So to recall any
18 one email, I wouldn't.

19 Q Well, so what's your answer? Do you recall this email after seeing it or do
20 you not?

21 A Yes. Now that I see it, yes.

22 Q Okay. And at this time, this is a month after the election. So this is not
23 during the election cycle, which you just mentioned to some degree, right, the election
24 cycle was over?

25 A Right.

1 Q Right? Is that fair?

2 A Yes.

3 Q Okay. So, Mr. Weitzner tells you that Jared -- and do you understand Jared
4 to be Jared Kushner?

5 A That's my understanding.

6 Q And DJT would be President Trump, correct?

7 A That's my understanding.

8 Q Okay. So that he was asked by them to work on an ad about election fraud,
9 and he attaches a script. Would it be normal for you to get the script to ads?

10 A It's not unusual.

11 Q Okay. And when you get a script to ads, the expectation is that you would
12 review those scripts. Is that fair?

13 A No. There's no reason -- other than curiosity, there's no reason for me to
14 review a script because I'm -- I'm not the copy writer, I'm not the producer, and I'm not
15 S&P. So at that point in time, my role is just to forward it to the people that would need
16 to review it to make an opinion about whether they would take it or not.

17 So I'm -- at that point, I'm the middleman between the media companies and
18 the -- the creative team.

19 Q Okay. So here's where we would appreciate your assistance and
20 understanding. Understanding you're the middleman and you're not reading the
21 content, Larry Weitzner, for example, he's not in contact with anyone on the network
22 side. Is that accurate?

23 A That's correct, as far as I know.

24 Q Yeah. So to the extent that the network has feedback, you, as the
25 middleman, are going to be relaying that feedback back to the creative team. Is that

1 fair?

2 A That's fair.

3 Q So in that role, is there some expectation to have some familiarity with the
4 substance of the ads in order to be a, you know, an effective middleman there?

5 A Not necessarily. My reaction to an email like this would typically be to
6 forward whatever the script was to the salesperson and then ask them to have their S&P
7 team to review it and let me know whether they'll accept it or not. And then I look for
8 as much feedback as I can get if it's rejected.

9 If it's accepted, then, you know, my advice to the creative team is, you can make
10 the ad. But if it's rejected, I try to get as much feedback as I can so that whoever's
11 making the ad can make, you know, necessarily edits to scripts or images.

12 Q But I guess what I'm trying to understand, in getting -- you want to get most
13 feedback, but it would be helpful for you to understand what the ad is trying to do in
14 order to, like, relay the feedback effectively. Is that not fair?

15 A Not necessarily.

16 Q Well, let's talk about what you did here. Do you recall whether in this, like,
17 post election period, you were engaged in the substance of the ads?

18 A I might have at some point. I -- I recall that there were difficulties getting
19 some of these ads on air. So typically if it becomes more difficult, if we get feedback
20 from vendors that they have rejected it, I tend to watch it or read the script to maybe
21 understand. But I don't always do that in advance of sending it to them.

22 Q Now, here it's -- Mr. Weitzner notes that he was asked by the President and
23 Jared Kushner to work on an ad about election fraud. Have you previously gotten a
24 directive that was coming from the President regarding an ad like this? I guess, through
25 Mr. Weitzner obviously, but was that noteworthy that the President and his son-in-law

1 were asking for this specific ad post election?

2 A Was it noteworthy that they were asking for it? They were -- they were the
3 client. All the -- it's not unusual for the client to ask for these types of things.

4 Mr. Torchinsky. Ben, let me ask you the question a slightly different way.
5 Would you have had emails during, prior to the election, that specifically referred to DJT
6 requesting an ad, I think, is what [REDACTED] is trying to ask.

7 Mr. Angle. I -- I don't -- I don't recall. I imagine there were many instances of
8 someone saying that DJT asked for this to be done. But that -- that goes for, again, any
9 client that we work with, it's not uncommon for someone to say, you know, candidate X
10 has asked us to do this.

11 BY MR. [REDACTED]

12 Q Now, Mr. Weitzner then says, it will be followed by a 30, focusing the
13 Georgia example and another multi-State fraud. He doesn't explain that the Georgia
14 example is, which, I think, would lead me to presume that the recipients were aware of
15 that. Were you aware of what the Georgia example was?

16 A I would have to see the script or see the spot to remember what that
17 particular example was.

18 Q Do you recall any fraudulent -- any fraud-related claims regarding the
19 Georgia Presidential vote in ads run post election?

20 A I don't recall the specific, but I was reading news and watching news like
21 everyone else, so. And I -- I don't know what would have come from, you know, my
22 personal interest in the election versus my work interest in the election.

23 Q Regardless of where they came from, do you recall a story about a suitcase
24 full of ballots in Georgia and that making news, post election?

25 A I recall that -- I recall that story.

1 Q Right. What do you recall about it?

2 A Just what you said. There was a camera in a precinct where they were
3 counting ballots, and suitcases came out after they were done counting for the night.

4 Q And is that your understanding of what Mr. Weitzner says when he says,
5 focusing on the Georgia example here?

6 A At the time, I don't know what my understanding was at the time. I don't
7 remember. Again, this was, you know, one of however many dozens or hundreds of
8 emails that are coming through a day. So any particular reaction I had to that, I can't
9 recall that exact reaction at the time.

10 Q I guess that's what I'm struggling with. Are you saying that getting an email
11 like this a month after a Presidential election, saying that Jared Kushner, a senior adviser
12 to President Trump, and President Trump, want you to work on an ad about election
13 fraud, and this email was just like any of the other emails you'd gotten that day?

14 A I'm not sure I know how to respond to that.

15 Q Well, it seems like you're suggesting that getting this email, this project, was
16 not otherwise noteworthy because you got a lot of emails. Is that what you're saying?

17 A To me, an email like this, the noteworthy part for me is, you know, my job is
18 to place the media, not to be involved in the creative.

19 Q Uh-huh.

20 A You know, for me, an email like this, I'm looking at the, "Ben, can we look at
21 Fox, OAN, Newsmax, and network buys." Other people on a team are focused on the
22 other pieces. You know, that's not my job, so -- my job is to figure out, how much would
23 it cost to advertise, you know, in the coming weeks on those networks. You know,
24 would there be other networks that would make sense for them. You know, he said,
25 other network buys or "and network buys" and then if they have something that I can

1 share to start figuring out if people will take the ad or not, then I want that information to
2 share.

3 You know, oftentimes, I don't get the script or the ad copy, so we do a lot of work
4 to come up with a media plan that ends up not being placed because the ad's rejected at
5 the time it's sent. So for, you know, my team and my staff, I want to eliminate as much
6 unnecessary work as possible, and part of that is understanding whether or not a network
7 is going to work with us.

8 Q Then you note that I know we have -- excuse me -- Mr. Weitzner notes, I
9 know we have significant issues getting the ads on air. We took out the language that I
10 think Fox would object to, but I would assume we get pushback anyway.

11 Do you recall what he's talking about here, that there was significant issues
12 getting ads on air?

13 A I don't know if there's a specific issue there, but I mean, throughout the
14 course of, you know, the 12 or however many months we were on the air prior to the
15 November election date, you know, it was -- it was not uncommon for ads to be rejected
16 by various vendors and us to have to review different parts of those ads. So it's a pretty
17 normal part of any political campaign for ads to be rejected, and us to have to navigate
18 that.

19 Q And when ads are rejected and you do get feedback, are we talking about
20 the truth and accuracy in the ad --

21 A It --

22 Q -- on average?

23 A It depends on the advertiser.

24 Mr. Torchinsky. Ben, let me see if I can ask -- let me see if I can just ask a couple
25 clarifying questions.

1 So the reasons that stations might reject ads might include copyright, they had
2 copyright concerns?

3 Mr. Angle. Sure, yeah.

4 Mr. Torchinsky. How about trademark issues, have you ever seen ads rejected
5 for trademark issues?

6 Mr. Angle. Yeah.

7 Mr. Torchinsky. How about defamation, libel, slander?

8 Mr. Angle. It could be, yeah.

9 Mr. Torchinsky. And what about assertions of truth or falsity, have you seen that
10 as well?

11 Mr. Angle. Sure. But there's a difference between a candidate -- a political
12 candidate and an issue -- in terms of what can run.

13 Mr. Torchinsky. Why don't you go ahead and explain that to [REDACTED].

14 Mr. Angle. So you guys might explain it better than I can, but, you know, my
15 understanding is that in a candidate ad, known as a use ad to media sellers, broadcast
16 networks are required to run a candidate ad, regardless of what it says.

17 Is that correct?

18

BY [REDACTED]

19 Q Well, if you want to consult with your lawyers, feel free to, but we want to
20 make sure we're hearing what you have to say. So you can give us your best
21 understanding of something. If you don't have an understanding of something, then,
22 you know, please clarify that point.

23 Mr. Torchinsky. This is Jason. I'm going to just let Ben explain his
24 understanding of the FCC rules rather than have counsel kind of weigh in, so.

25 [REDACTED] Yeah.

1 Mr. Angle. So my understanding is that a political candidate, within the political
2 window, being 60 days out from the general election, can run an ad that says whatever
3 they want it to say as long as they identify themselves with their image, their likeness,
4 they state in their voice that they approve the ad, and it has a disclaimer of a certain size
5 on the screen for a certain length of time.

6 And a lot of -- a lot of vendors accept just that. Whatever comes through, they
7 will run it. But that doesn't apply across the board to every media seller network cable,
8 like a Fox News or a CNN or a History Channel. You know, they don't apply those same
9 rules because of the way that the -- the laws are written. So they scrutinize them for
10 any number of claims.

11 You know, if we use a Fox News anchor in an ad, they simply don't want to run the
12 ad because they don't want their -- their anchors in political spots. But that's not to say
13 CNN wouldn't run an ad with a Fox News anchor in it.

14

BY [REDACTED]

15 Q So to be clear, these rules you were talking about getting on air, they don't
16 apply on network, but they do apply where?

17 A So broadcast networks, so over the air, NBC, ABC, CBS, they apply. The
18 cable landscape is where it does not apply.

19 Q So your understanding is that a candidate, for example, President Trump,
20 can get an ad on ABC perhaps with less restriction than he would on the History Channel?

21 A Correct. That's my understanding.

22 Q Okay. And are there any -- are there any basis by which an ABC News could
23 reject a candidate ad, for example, an ad from a Presidential candidate?

24 A ABC is owned by Disney, and in this particular example, I recall working with
25 Disney, and we had to use the equal access rule to get our ads on the air. It was -- it was

1 when Biden started buying ABC network inventory that we were able to get equal access
2 and get our ads on the air.

3 Q And do these rules apply the same pre- and post election, or what's the
4 timing of the applicability of these rules?

5 A So my understanding of the rules is they apply within 60 days of a general
6 election, 45 days of a primary.

7 [REDACTED] Just before?

8 Mr. Angle. Before.

9 [REDACTED] Okay. Not 60 days after?

10 Mr. Angle. That's my understanding, yes.

11 BY [REDACTED]

12 Q Okay. So in the -- when we're talking about the post election timing of the
13 ads referenced in this email, do the rules you're talking about apply?

14 A Not to my knowledge.

15 Q So in this, in December 2020, all networks can apply their own analysis on
16 whether to put ads on the air. Is that fair?

17 A That's fair.

18 Q Okay. So here when there's significant issues getting ads on air, is it your
19 understanding that Mr. Weitzner is talking about things that happened preelection, or
20 things that are happened in the last month, between Election Day and the date of this
21 email, which is December 7th -- or 8th? Excuse me.

22 A I don't know that I should speak for Mr. Weitzner. I can tell you that
23 preelection, I think I've already said, you know, every ad was reviewed by however many
24 dozens of media vendors we sent it to, and we got a wide range of reactions each time,
25 so. So, you know, his experience from the creative side, you know, is that he had to

1 redo or edit ads each week, based on whatever feedback was coming from the media
2 sellers.

3 Q And did some of that feedback include issues with truth and accuracy of the
4 ads?

5 A I don't recall exactly what the issues were.

6 Q But the issues would've been run through you as the media buyer. Is that
7 fair?

8 A I would've most likely been the one to communicate whatever the -- the
9 reason was.

10 Q When you say "most likely," is there anyone else who would've
11 communicated it if it weren't you?

12 A I -- I don't think so, but I don't want -- I don't want to say that I did 100
13 percent of them. But I'm reasonably certain that I was, but I would have to review to
14 make sure that I didn't have someone on my team do it, too.

15 Q Okay. Now, here he says, we have a \$10 million budget to start, and it
16 could go to 40. In your experience, how large of a -- how large of a media buy are we
17 talking about here? \$10 million could go to \$40 million for kind of a single ad buy, is
18 that large, is that small?

19 A Well, both of those numbers are large numbers, but in my experience,
20 clients always use significantly larger numbers than they actually intend to spend. So I
21 never thought that this was going to get to 40. I thought that 10 was probably going to
22 be a stretch.

23 Q Okay. So it was fair to say that when you see those numbers, even if it's
24 just \$10 million, this is a significant ad buy? Is that fair?

25 A Yes. \$10 million is a significant amount of money for, I think, anything.

1 Q Yeah. Now, we're going to get into detail about the reasons why these
2 different networks might've rejected ads or why there were issues with those. But here,
3 do you recall -- before we talk about it later, do you recall about how much money the
4 ad -- the campaign ended up spending?

5 A I believe it was around \$5 million gross. I don't recall the exact number.

6 Q Okay. Now, here we have Fox, OANN, Newsmax, and network buys.
7 Now, what does "network buys" reference as something distinct from those three?

8 A I laugh because those three are part of -- those are also network -- those
9 would be part of a network buy.

10 Q Okay.

11 A So he clearly wanted those three networks, and then I suppose he was
12 maybe looking for other options. I don't recall exactly what that would've been. My
13 recollection is those are the three networks we worked with.

14 Q Now, looking at those three networks -- and you know, we're going to look
15 at documents that deal with how the varying networks seem to have dealt with political
16 ads post election. But on a broad scale, did you -- was there a notable difference
17 between how Fox and OAN versus Newsmax dealt with truth or falsity in the post election
18 political ads that were run?

19 A My recollection of S&P is that every vendor is different and -- and I don't
20 recall -- I don't recall differences pre- or post election. To me, it all unfolds the same
21 way as I've described. I mean, one note just on that, look at Fox, what they mean there
22 is Fox News channel, the cable network, not Fox Broadcast.

23 Q Now, I understand that each one is different. I want to understand those
24 differences. So let's walk with some comparative discussion here. So what do you
25 recall about the different challenges, or lack thereof, that the campaign had in getting ads

1 on Fox, OAN, and on Newsmax?

2 A So I don't recall specifics about Newsmax or OAN. I haven't worked with
3 them, I don't think, since the election. I work with Fox News channel on a regular basis,
4 so I'm relatively familiar with the process there. And the process with Fox News channel
5 is, I -- I send whatever creative materials I have to send to my sales rep, and she responds
6 to me at some point in time with, you know, an acceptance email or a rejection email.
7 And typically it does not provide feedback. I usually have to call her -- because she does
8 not put it in email -- to get her to explain to me on the phone what she did or did not
9 accept about it. Not she, but her S&P team.

10 Q And she would tell you specifics, it was this issue, that issue?

11 A No. It was typically pretty vague. Fox News channel has always been
12 vague about their S&P review process, regardless -- not specific to this client, but all work
13 I've ever done with them. And when there's a rejection, it's difficult to narrow in on
14 what specifically was rejected.

15 Q What about with OAN?

16 A I don't recall -- I don't recall the S&P process with -- with them. I -- I don't
17 recall, yeah.

18 Q So you don't recall whether they were, for lack of a better term, more
19 stringent or less stringent than Fox News?

20 A Well, my recollection is I didn't have to have a lot of conversations with
21 them, so -- about it, so.

22 Q So can one infer, if you weren't having a lot of conversations, it's because
23 you weren't having a lot of issues?

24 A I think that's a fair assumption.

25 Q So it's fair to say that they were less stringent than Fox News when it came

1 to S&P, with these particular ads post election?

2 A I think that's fair. I always tell media sellers, you know, I tend to remember
3 the ones that were problems. You know, if they do a good job, we tend not to -- I don't
4 want to say good job -- we tend to remember the ones where we had difficulties, because
5 you spend a lot more time with them.

6 Q And how about Newsmax, was that one that you would put in the OAN
7 bucket of less stringent?

8 A Well, I don't have a specific recollection about either one of those. So to
9 characterize, it compared to Fox News channel, where I had -- you know, we do more
10 business with them on a regular basis, I'm just more familiar with Fox News channel than I
11 am OAN or Newsmax. So I -- I don't recall, in this specific instance, if they had feedback
12 or not about any creative I sent them.

13 Q Now, when you see here, Let me know your thoughts on the script and buy,
14 would you typically weigh in on scripts or you wouldn't? How normal was that for you
15 to weigh-in on a script?

16 A It's -- it's not normal for me to weigh-in. You know, I -- I wasn't a writer,
17 and I wasn't part of the creative team. If I did weigh-in, it would most likely be if I saw
18 something that I was really certain would be rejected, I would say, I think this is going to
19 be rejected, but I'll send it anyway. That might be my response.

20 Q Okay. If we could scroll up just slightly, I want to see who's on this email.
21 All right. So here we have Alex Cannon. Who is Alex Cannon?

22 A I didn't work directly with him on a regular basis. I think he was on our
23 invoice emails, so maybe an accountant or maybe an attorney, I don't recall.

24 Q Okay. Do you know who Jack Parkinson is?

25 A I don't -- I don't recall working with him.

1 Q Okay. Evan Tracey, someone you work with?

2 A He works for, yeah, National Media, Harris Sikes, yeah.

3 Q And what's his role?

4 A He's -- -- he's one of our boys as a --

5 Q He's like in another kind of buyer role under you. Is that fair?

6 A No, he's not a buyer.

7 Q Does he assist you in your job? Is that fair?

8 A No, he does none of those things.

9 Mr. Torchinsky. Say what he does.

10 Mr. Angle. I wish I could tell you what he does. I -- I -- yeah, this gets into
11 interoffice politics. He doesn't do anything.

12 BY [REDACTED]

13 Q Yeah. About what's his title?

14 A I think he's an S&P.

15 Q Individual at Harris Sikes or at National Media?

16 A Correct.

17 Q Okay. And then Carlos Cruz -- [inaudible]

18 A Sorry. You cut out there.

19 Mr. Torchinsky. [REDACTED] I think you're frozen. [REDACTED]?

20 Mr. Angle. Sorry. We lost you for you a second. Could you repeat --

21 BY [REDACTED]

22 Q Yeah. And then are you familiar with who Carlos Cruz is?

23 A He worked with Larry. He was one of the creative guys on Larry's team.

24 Q Okay. We're going to scroll up here and look at your response to this
25 email. So you respond and you say, "I'll start collecting rates, but you're right that we

1 could run into clearance problems. The copy below is likely to cause us the most trouble
2 with S&P departments. If you have a rough-cut available to send for clearance, then we
3 can start the process. When do you want to start, and how long do you want to
4 run" -- "how long do you want the campaign to run? You will need to have
5 substantiation ready for these claims. And then you list out specific claims related to
6 election fraud, including, dead people voted, about ballots miraculously appearing, Joe
7 Biden bragging about something."

8 Do you recall this email?

9 Mr. Torchinsky. Hey, [REDACTED] can I ask a question? Can we go back? I think
10 something with the time doesn't look right, because I think the later email, this may be
11 reverse chronological. The email you were asking about a minute or two ago was
12 10:22 a.m., and the email you're asking about now is from 8:42 a.m. So I'm wondering
13 what the chronology is here. We can't see the full document.

14 [REDACTED] No. I think that what the issue here is, it's not that, it's
15 that folks are in different -- as we understand it, folks are in different time zones. So just
16 the way they process the emails, that's the issue. But in our prior investigation, we've
17 confirmed the order of the email is the order by which we are going through it.

18 You can verify that, too, simply by looking at the subject line. Mr. Weitzner's
19 email is new project. You can look and see that the response from Mr. Angle indicates
20 it's a response to a new project email. It's "re: New project." I think that right there
21 confirms it's a reply to the initial email.

22 Further, the substance of the email itself reflects that it's a -- it's a response to
23 what we just read, right? It wouldn't make sense to be the other way. So I think that
24 the timing concern we're aware of, but it's a thing we've seen in some of these
25 documents which we believe is just because not everyone on this email, namely

1 Mr. Weitzner and Mr. Angle, are not in the same time zone when they were responding,
2 and that creates issues with how it gets logged in.

3 Mr. Torchinsky. Ben, is that consistent with your --

4 Mr. Angle. Well, Larry's in Philadelphia, and I was in Alexandria.

5 [REDACTED] Without speaking specifically to where specific individuals
6 were, we received information that not everyone was in the same time zone at each time,
7 and would be inconsistent with -- with Philadelphia.

8 Mr. Torchinsky. Okay. With that understanding of your representation of
9 timing, we'll go with that, even though I think Ben is expressing some concern about
10 chronology here.

11 [REDACTED] Well, before we continue, I just want to note that
12 Ms. Lofgren has joined the interview.

13 And, Jason, I didn't hear Mr. Angle express issues with regard to time. I heard
14 you express those issues on chronology. So I think let's -- I'll defer --

15 Mr. Angle. Yeah, I would agree, Jason was astute in catching that. I never
16 knew Larry to be outside of Philadelphia, so.

17 BY [REDACTED]

18 Q Okay. Are you saying that your email precedes Mr. Weitzner's email?

19 Mr. Torchinsky. [REDACTED] what I was questioning, can we go down for a second to
20 the 10:00 email?

21 [REDACTED] Uh-huh.

22 Mr. Torchinsky. They were talking about -- here they were talking about
23 significant issues, and I'm wondering if -- I'm wondering if the email that you're pointing
24 to above relates to this, or whether it relates to the earlier issue. And, again, I can't see
25 the full document set, so I'm just not sure -- I'm not sure, looking at this, that Ben's email

1 wasn't talking about some earlier script.

2 [REDACTED] Uh-huh.

3 Mr. Torchinsky. And that's why I was questioning based on the timing.

4 [REDACTED] Yeah. And we appreciate the question. I think what
5 my representations earlier, I think, address those, namely, you can look at the subject
6 line, which, it would be inconsistent for Mr. Angle's email to precede Mr. Weitzner's
7 email, because Mr. Weitzner's wouldn't start without the -- the "re," right, the "regarding
8 new project." Right? So does that make sense, Jason?

9 Mr. Torchinsky. Yeah. We'll operate under that assumption.

10 [REDACTED] Yeah.

11 BY [REDACTED]

12 Q But, Mr. Angle, if you have any concerns or you have a different recollection
13 about something, please do voice those.

14 But is it fair to say here, Mr. Angle, when you say you will need to have
15 substantiation ready for these claims, it's because you have reviewed a script, created by
16 Mr. Weitzner, and you think that the networks are going to want proof -- or the basis for
17 these assertions?

18 A I think that's right. You know, working with the creative teams throughout
19 the -- the cycle, you know, the multi-month cycle, you know, it helped me to make -- to
20 have them provide that and have that ready, whatever the spot was, whenever they were
21 creating it. And it was something I was trying to train them to do, but oftentimes, I had
22 to remind them that they needed to provide it.

23 Q And how did you select these claims as the ones that they needed
24 substantiation for?

25 A I don't recall. I don't recall the script without seeing it. So I must've

1 selected the ones that, based on my judgment, were likely to be flagged by S&P
2 departments, just based on --

3 Q Is it fair to say that you would flag the fraud claims that, for lack of a better
4 term, were the most aggressive perhaps?

5 A I don't recall why I would've flagged these, other than based on experience,
6 working with all the different vendors throughout the cycle, there must've been patterns
7 of things that they were accepting or not accepting.

8 Q And what pattern would that be here in picking these out?

9 A I don't recall. I don't -- I don't have the full script in front of me so I don't
10 recall. You know, on December 8th, I would've selected these, other than, you know,
11 experience working with the salespeople, the vendors.

12 Q Prior to December 8th, had you had other issues with getting election fraud
13 claims approved by S&P departments?

14 A I don't recall specific claims that were or weren't rejected. I can tell you -- I
15 take that back. There was one instance I recall, and it was an ad with a map talking
16 about illegal immigrants crossing the border, and it was rejected because the arrows
17 came from -- the arrow pointed from Mexico to the United States. And they were
18 rejected because the ad said -- they implied that all illegal immigrants were coming from
19 Mexico. And my response was, what if we add an arrow coming from Canada too, will
20 that help you clear the ad? That's the one instance I remember.

21 Q So you're saying that's the only substantive truth or falsity correction that
22 you remember the substance of in a cycle?

23 A Specific example, yes. And remember, we're sending out for multiple
24 clients, dozens, if not hundreds of ads, so, you know, and I'm seeing competitors' ads on
25 TV. So to remember one instance of one ad, the map one is the one I remember

1 because my salesperson and I had a laugh about the arrows.

2 Q Now, but this -- this specific candidate, President Trump, is your largest and
3 most important candidate in 2020, correct?

4 A Well, I don't think that's fair to say to my other clients. By dollars spent,
5 they were the largest.

1

2 [11:08 a.m.]

3

BY [REDACTED]

4

Q Well, your for-profit business, I think it -- it may be fair to them, but it sounds fair to you. No?

6

A Well, it's not my business. I just work there.

7

Q Yeah. Okay. But those candidate -- this client was an important -- a very important client in 2020 to National Media. Is that fair?

9

A It is, but they're all important to us. We don't know who the next Presidential candidate's going to be, so they could be someone that ran for Congress last time or dog catcher or for mayor. So they're all important to us.

12

Q Okay. But in this time period of December 8, 2020, a month after the election, how many candidates are you working on a month after the election? And I don't mean reconciliation. I mean actively buying for clients, political candidates in that cycle, December 8th of 2020.

16

A Our agency or just me?

17

Q You.

18

A This was the only political candidate that I was buying for in December of 2020.

20

Q And how many nonpolitical candidates were you buying for in December of 2020?

22

A I don't recall the exact number. Probably four or five.

23

Q And how large were those in comparison?

24

A So the money that was being spent in December by the Presidential campaign?

25

1 Q Sure.

2 A I would have to look, but it was probably comparable.

3 Q Okay. So how long -- what I'm trying to get a sense is that you -- a lot of
4 these things that you don't seem to recall, so I'm trying to get a sense. Is it because you
5 were just busy doing other things, you were just occupied? I'm trying to get a sense of
6 like where the lack of recollection comes from.

7 Mr. Torchinsky. [REDACTED] I just want to know, we're -- you know, this is March
8 of 2022, and you're asking about emails that were sent, you know, almost a year and a
9 half ago. So, you know, I want to make sure that the record reflects the context of this.
10 You're asking him to recall specific emails from a year and a half ago, you know, kind of
11 plucked out of -- you've pulled two emails from literally a year and a half ago, and you're
12 asking him specifics about these two particular emails. So, you know, I think you need
13 to put this in context. You're asking him real specifics, and he's telling you he doesn't
14 recall a lot of specifics.

15 [REDACTED] Well, Jason, I would disagree with the characterization.

16 BY MR. [REDACTED]

17 Q What I'm trying to get a sense of is -- my questions, my last few questions
18 haven't been about a specific email. It's about more broadly recollection regarding this
19 whole post-election time with the Trump campaign. It's broader than the specific
20 emails, what I'm asking about. All right.

21 A So my specific -- and you're asking very specific questions and need specific
22 answers, and I don't recall enough to provide that because there were other things going
23 on. I had other -- not just at work, but this was a pandemic year. And to work on a
24 Presidential campaign, along with all my other client work throughout the year, in the
25 pandemic year, was very demanding and taxing on my time, not to mention the things I

1 do outside of work. You know, that year I was the deacon chairman at my church. I
2 coached two soccer teams, you know.

3 In an election cycle, you kind of count on election day coming and the work
4 stopping, and you can have those times to see your family again, to take a breather.

5 You know, imagine last night UConn and NC State women's basketball teams
6 played a great double overtime game. Imagine after that game ending Stanford
7 showing up and saying, it's time to start our Final Four match against UConn.

8 Q Yeah, I hear that. And when I hear that, it only appears that it would be
9 even more noteworthy because something surprising appearing would make something
10 even more noteworthy as opposed to being expected.

11 A Sure. I know I'm just a person, and this is, you know, between Thanksgiving
12 and Christmas, and it's a time of year when I was looking forward to spending time with
13 my family again. So the noteworthy part to me was I have to do more work.

14 Q Yeah.

15 A So --

16 Q I think I just -- just so the record's clear, it's December 8th. I think it's
17 post-Thanksgiving, but that's neither here nor there.

18 A [REDACTED] -- I said between Thanksgiving and Christmas, [REDACTED].

19 Mr. Torchinsky. [REDACTED] I think we're -- I think you're maybe getting off track of
20 where you want to go. I think what you're hearing from Ben over and over again is the
21 substance was not something that he focused on or paid a lot of attention to, even
22 though he might have sent an email about something, but his focus was not on the
23 substance. His focus was on getting the ads approved, regardless of kind of what they
24 said. And you're asking him to recall substance, which is not what he usual -- the
25 substance of the communications, which is, I think he's told you over and over again, not

1 what he generally focuses on.

2 So that's why I think you're getting a lot of, you know, lack of recollection, because
3 when Ben thinks about ads in the course of doing his job, this focus on the substance of
4 the communications that you want him to be focusing on is not what he normally focuses
5 on.

6 There may have been an email or two like this, but this is not the focus of Ben's
7 work. The focus of Ben's work is taking the media that gets sent to him by the media
8 producers and sending it out to the stations and making sure that the stations have the
9 money on hand to air the ads that the candidates want. And this -- you know, there
10 may have been an email or two about substance, but that's not the primary focus of what
11 Ben does day to day. And that's why I think he's not recalling when he sent the
12 occasional email about substance.

13 And I think that may be where you and Ben are having a bit of a disconnect here,
14 and I think that might explain it.

15 Mr. Angle. I think that's fair.

16 The reason the ad getting approved or not mattered to me is because we do all
17 the work to get it on the air, and if it gets rejected, the work I've done doesn't matter.
18 We've spent all that time to get to a zero sum.

19 So, you know, I want to help the clients navigate that process with the vendor
20 because I'm the intermediary. So I'm using my best judgment or experiences trying to
21 communicate things to both sides about what the intentions are because, you know, you
22 spend a lot of time and effort to get a media buy ready. You want it to be placed so that
23 you can, you know, have that billable invoice.

24

BY [REDACTED]

25 Q I know. And, Jason, I appreciate your -- appreciate what you said.

1 And I think why we're focusing here, Mr. Angle, is that if you're typically not
2 engaging with the content, reading this email, it does appear that you respond and you
3 seem to dive into the content and, to some degree, weigh in on the content, because by
4 noting specific statements, you are trying to preempt what you think is going to be
5 substantive pushback from the networks.

6 And here you do not indicate a particular network or a particular -- whether it's
7 FOX or OAN. It's like you just generally say these assertions regarding election fraud.
8 It seems to be that you say like, you're right, though, we could run into clearance
9 problems. So it does seem like there's some expectation that these claims are going to
10 bring about some clearance issues.

11 Was it -- now, and I know this is, again -- and maybe it's not so difficult a thing to
12 answer, but in light of you saying like, you're trying to get these on the air for your client,
13 obviously, that's the business that you're in. Is it fair to say that what you were doing
14 here was based on your experience both in your field and as a buyer for the campaign,
15 that you read the script and you thought, based on what they were saying, that the
16 networks might have some resistance to airing these if they weren't on sturdy ground?

17 A Could you say it just one more time? I want to make sure I heard you right.

18 Q In your experience, you thought that the networks would have problems
19 running these assertions in ads if they were not on sturdy, kind of accurate substantiated
20 grounds?

21 A I think that's fair. In my experience, you needed to substantiate each claim.
22 You know, if they said the sky is blue, they needed to have documentation for that. So I
23 wanted them to have their documents ready, regardless of the claim.

24 Q And is it fair to say that the more aggressive the claim, the more you might
25 note for a client that they need to really be thinking about substantiation early?

1 A I don't know how you define aggressive.

2 Q For example, if you said the sky is blue, you wouldn't worry about the client
3 being able to find a cite for the sky being blue?

4 A Okay.

5 Q Is that fair?

6 A Okay.

7 Q Right? So that would be a less aggressive claim. If someone said dead
8 people voted, that's the kind of thing that may or may not be true, that you want
9 someone to really be able to prove. Is that not right?

10 A That's fair.

11 Q Same thing with the Georgia ballot -- the Georgia suitcases. If someone
12 asserted that people were counting fraudulent ballots that could have impacted the
13 election in Georgia, that's the kind of thing you would tell a client to be ready to prove.
14 Is that fair?

15 A That's fair.

16 Q All right. I want to go to the top of this email where Larry Weitzner
17 responds --

18 And, Jason, just for your clarity on timing again, you can see we're now seeing it's
19 8:46 here from an 8:42 email previously, so I think that gives you some more security and
20 we're reading in the right order.

21 Here, Mr. Weitzner says to you and others: Zach and Jason, the more you guys
22 can help on this sourcing/backup information the better. I have not been following it
23 closely until yesterday and I worked off campaign documents.

24 With regards to sourcing or substantiation, is it -- do you recall whether Zach
25 Parkinson and Jason Miller were heavily involved with that?

1 A I don't recall who was involved with that. Typically, the substantiation was
2 provided to me by the creative team.

3 Mr. Torchinsky. [REDACTED] is there another email where substantiation may have
4 been provided to Ben that you've got in this stack of documents that you could show us?
5 That might help refresh his recollection.

6 [REDACTED] Yeah, Jason. I think -- yeah, we're going to get to the
7 email where I think we get into some substance of substantiation being provided to Mr.
8 Angle and others.

9 BY [REDACTED]

10 Q Let's go to exhibit 2, please, and that starts with Bates Nos. JTA161.

11 Now, this email continues from the last email we just looked at. It's just
12 formatted a little differently, so that's why I did it this way.

13 We're going to start on Bates number that ends in 168.

14 And just -- I'm going to scroll down a bit.

15 You can see, Mr. Angle, this is --

16 More, a little -- more, more. Yeah, stop.

17 So you see this email is following the last emails that we just saw from Mr.
18 Weitzner. So we're going to look at the next email in the chain, and it's Carlos Cruz, who
19 you said works with Mr. Weitzner. He attaches three scripts for the this new project.

20 Ben, the original 60 second is still in play, but they may go with a 30 cut instead.

21 And then he lists three different ads. And then you can see on the second one:
22 On Tape is a 30 second focus -- 30 second script with a focus on Georgia.

23 Do you recall there being three ads that were kind of the three cuts of three
24 versions of a -- three different ads that were put together by the creative team around
25 this time?

1 A If you asked me before showing me this email, I wouldn't have been able to
2 tell you how many ads they sent to us, but yes. Seeing this, yes.

3 Q Does it refresh your recollection?

4 A Yes.

5 Q Okay. So we're going to go a little further up. And then you respond to
6 this and say: May I send these to the networks to get first reactions from S&P
7 departments?

8 Is this what you were talking about earlier that you'd get a script and then you
9 would forward that on to folks at FOX or OAN for their first kind of readback on
10 substantiation and whatnot?

11 A Yes.

12 Q Okay. Then Mr. Weitzner responds to you. He says "yes" to you.

13 I'm getting emails to ask me to hurry up and edit them. I'm going to record VO
14 soon -- which I assume is voiceover. It would be best to know now and if stations or
15 research/legal want us to change any copy.

16 And is he basically saying there that he wants you to find out whether the
17 networks have issues, what they want to claim in the ads so they know whether to
18 change them?

19 A That's fair.

20 Q Okay. And then Mr. Zach Parkinson responds, and he says: Our legal
21 team is the ones who would have to substantiate these, and many of them I cannot.
22 Some of these claims, like suitcase full of ballots, networks can point to -- and he has a
23 link -- point to fact checks like this and say it's not true.

24 And then we can go up further. Just for completeness, I can let you read this,
25 but it's not relevant to what I'm going to ask you.

1 And then Mr. Stewart Crosland is added to the email. Do you know who that is,
2 Stewart Crosland?

3 A I don't remember who he is.

4 Q And then we scroll up to this next email, and then Alex Cannon responds,
5 you can see there, and you're also -- you're on this email. And he says: Jason, I'm sure
6 that no one wants a lawyer writing their scripts -- because he thinks -- you know,
7 indicates that he's a lawyer himself.

8 Then he goes: That being said, here are my thoughts on the factual components
9 of the further fraud claims in the scripts. I suspect that S&P departments will have a
10 hard time with these ads.

11 Scroll down, please.

12 And then he starts with the first one: Suitcases of ballots. You can all judge
13 from the video what went on just as well as I can. I do not have a high degree of
14 confidence that networks will run this.

15 Dead people -- he says -- We are not able to confirm dead people voting in
16 Wisconsin because voter information does not include date of birth. We do have
17 evidence of dead people voting in Georgia and Pennsylvania.

18 And he offers varying comments, and if you scroll down further. And on the
19 third video of On Tape, he also said, again: You all can judge from the video what went
20 on just as well as I can. And I do not have a high degree of confidence that networks will
21 run this.

22 And I'll represent to you that the On Tape is about the Georgia voting -- the
23 Georgia suitcase ballots.

24 So, Mr. Angle, it seems like, in looking at these emails, that Mr. Parkinson for the
25 Trump campaign, Mr. Cannon for the Trump campaign are expressing serious concerns

1 about the accuracy of some of the contents here.

2 Do you remember this kind of exchange about -- around this time about the
3 accuracy of what was in these ads?

4 A In reading this, I -- sure, I see this, and it's familiar to me. But, again, this
5 wasn't uncommon to have -- to be on an email chain where people were discussing
6 substantiation of a claim in an ad.

7 Q Uh-huh. But, you know, I want to put it in context. Like, we're a month
8 after the election. The President at the time is making claims regarding the
9 broader -- whether there's fraud that impacted the result of the election. And now Mr.
10 Cannon, Mr. Parkinson are reflecting, like, they think there are issues regarding some of
11 the claims that -- in these ads related to the election.

12 Did that seem like different in kind than it was normally, like -- or are you saying
13 this was a typical -- this is how all kind of election substantiation conversations go?

14 A It's pretty normal to the way conversations go.

15 Q From your vantage point, is your only kind of concern -- and I don't mean
16 this in a good or bad way. Is your concern really just focused on, is it going to clear S&P
17 and that's kind of like where you weigh in only, or, like, is that kind of where you're
18 limited to weighing in is whether or not S&P -- if they take it, that's fine with you?

19 Does that make sense what I'm asking? I don't know if it was that clear.

20 A Not my -- again, my job wasn't to get it cleared. My job was to
21 communicate whether or not it was cleared by the seller.

22 Q Uh-huh. And are some of these concerns you're hearing from Mr. Cannon
23 and Mr. Parkinson, was that consistent with some of the pushback that S&P departments
24 gave around this time?

25 A I don't -- I don't recall exactly what their responses were to these particular

1 ads. I mean, experience is that, you know, the attorneys are usually pretty good at
2 identifying where the language is going to cause them hurdles.

3 Q Okay. Scrolling up, please. Keep going.

4 And in here, we have an email from you where you say: All, attached is a simple
5 media plan for the three networks being discussed: FOX News, OAN, and Newsmax.

6 Do you recall why it just became three networks as opposed to something broader
7 than those?

8 A I don't recall.

9 Q Would that be something that you would be -- that the client would typically
10 direct you in where they want to run or would you kind of come up with a plan based on
11 what you believe their end goals to be?

12 A In this case, it was directed by the clients, and you can see that I wasn't sure
13 exactly what they wanted to do. It's one of those answers -- every particular client is
14 different in the way they direct us to do our work. I do recall that after the election, the
15 December work that we did is mostly directed to us where the campaign wanted the ads
16 to run, which is why they set on these three networks.

17 Q Uh-huh. At the end of this paragraph you say: Reminder here that OAN
18 and Newsmax approved all three scripts; FOX News is still reviewing.

19 So is it fair to say this is an example of what we talked about earlier where OAN
20 and Newsmax being -- having less concerns than those raised by FOX News about the
21 ads?

22 A I can't comment for their S&P teams, but clearly they approved whatever we
23 ended up sending them, and FOX at this point in time had not.

24 Q And here you say: The attached plan is a very heavy spot load.

25 What does that mean, "a very heavy spot load"?

1 A It means they would be running a lot of ads in a particular day compared to a
2 normal spot load.

3 Q And is that -- and so why would someone want a heavy spot load?

4 A So that the ad is seen by people watching those networks.

5 Q So it's kind of a full-court press a bit as far as ad buying goes. Is that fair?

6 A Sure.

7 Q If we go up. Jason Miller responds: Ben, per Jared, we need to show the
8 President ASAP 1-week plans for \$5 million, \$6 million, and \$10 million running on FOX,
9 FOX Biz, Newsmax and OANN.

10 I realize previous plans were for 3 weeks, but Jared said 1 week.

11 What was your understanding of Jared Kushner's involvement in this post-election
12 ad buying?

13 A I don't know that my understanding extended to anything beyond this. You
14 know, whatever Jason emailed me.

15 Q So sitting here today, do you have any other understanding as to whether
16 Jared Kushner was directing the ad buys here or otherwise involved?

17 A I know over my course of time working with the campaign, going back to
18 2016, he was involved at various points in time.

19 Q And involved in what way?

20 A He was an adviser at times, but he wasn't always involved. I don't know
21 exactly how to characterize that.

22 Q Is it fair to say he was a senior person giving directives?

23 A I suppose so.

24 Mr. Torchinsky. And let me ask a question here.

25 Do you ever recall interacting directly with Jared or being on emails with Jared?

1 Mr. Angle. I don't recall being on emails with him, but I did interact with him in a
2 couple of meetings --

3 Mr. Torchinsky. Okay.

4 Mr. Angle. -- during the course of, you know, 5 years.

5 Mr. Torchinsky. Okay.

6 BY [REDACTED]

7 Q And when was your last meeting with him?

8 A I don't recall. It was probably sometime in the fall of 2020, pre-election.

9 Q Did you have any post-election contact with him?

10 A I have not, not that I recall.

11 Q Did you -- and this email ends with: Meeting with POTUS this afternoon to
12 get clarification and approvals.

13 Did you have any conversations with Jason Miller about the President's
14 involvement?

15 A No.

16 Q Or otherwise -- okay. You said no?

17 A Yeah. I did not -- I did not ask Jason about his involvement with the
18 President.

19 Q Well, the President's involvement with the ad campaign is what I'm asking.

20 A I didn't ask -- no, I did not ask Jason about that.

21 Q Did you have any conversation with Mr. Weitzner about the same topic?

22 A No.

23 Q If we could scroll up.

24 Later you respond: Yep, on it. Was just wrapping revised 3-week plans with
25 FBN.

1 What's FBN?

2 A FOX Business Network.

3 Q Okay.

4 I'll make the below edits and circulate in about 30 minutes. I have calls in to CBS
5 and RFD-TV.

6 And what's RFD-TV?

7 A Rural Free Delivery Television. It's farming, agriculture radio programming.

8 Q Okay. Thank you for the clarification.

9 And then Mr. Miller responds up top. He says: For the purposes of today, let's
10 just worry about the four nets I laid out. If POTUS can't see it, it's not real.

11 What did you understand, when you received this email, the email to be saying?

12 A Clients like to see their ads on TV.

13 Q So meaning that -- tell me more about that. Meaning that he wants it on
14 stations that Mr. Trump watches?

15 A I think that's a fair way to say it. It's pretty common in our work for clients
16 to want us to buy the programming that they watch or that someone close to them
17 watches.

18 Q Uh-huh. All right. We're going to keep scrolling up.

19 Mr. Miller -- here you attach three budget levels, but I'm not going to ask you a
20 question about any of these, but you can see the gist of that.

21 Mr. Miller responds: Are all the budgets for a single week?

22 You say: Yes, 1-week budgets.

23 And then you respond: Attached with requested edits. We can make on air by
24 Friday if we send buys tomorrow morning. FOX News is still dependent on creative
25 approval. I don't have any feedback yet. I've been checking all afternoon.

1 Then Mr. Weitzner responds: Ben, have we still not heard back from FOX?

2 Incredible. We sent scripts yesterday, an ad this morning, and still nothing.

3 So just, again, the same issue that FOX News was taking a far longer time
4 approving the substance of these ads versus OAN and Newsmax?

5 A They were, but we get -- spoiled is the right way to characterize it. But in
6 the political ad world, sellers are familiar with the speed at which things move in the
7 campaign world. So the service that we get in terms of S&P processes or rate collection
8 or traffic changes or any of the things we do is much faster than the normal ad
9 community. So postelection we were moving at normal ad speed because it wasn't a
10 typical campaign cycle. So it wasn't unusual for it to take this long. It was unusual for
11 clients that have only operated in the political space that it had taken that long.

12 Q So then it's fair to say that OAN and Newsmax were in a sense moving much
13 faster than industry norms around this time, and you're saying FOX News was doing the
14 normal thing. Is that fair?

15 A Again, every vendor's S&P processes are different. Some of them will tell
16 you it's going to take 4 to 5 days. Some won't tell you how long it'll take. You know,
17 the bigger the company, the bigger the entity, typically it takes a little bit longer for the
18 process to unfold.

19 Q But you would agree that here Mr. Weitzner is expressing frustration with
20 FOX not getting back quickly. Is that fair?

21 A I don't want to characterize how he was feeling.

22 Q Well, I didn't ask you how he was feeling. I asked you what he was
23 expressing, which you're receiving ads. So what did you understand him to be
24 expressing?

25 A He was expressing that he was surprised, surprised that we hadn't heard

1 back yet.

2 Q Are you familiar with the Sinclair Broadcasting Group?

3 A Yes.

4 Q Tell me about them. Like, do they cater to specific -- like a more
5 conservative base, or what's their target audience?

6 A They're a media company that owns a lot of local media properties around
7 the country, and we work with them on a pretty regular basis when we're involved in
8 their media markets.

9 Q Do viewers tend to be perceived as more conservative than other viewer
10 bases or no?

11 A Oh, I'd have to check my research. I don't want to speak from memory
12 about, you know, any particular audience that consumes any media property.

13 Q Okay. So, for example, OAN, do you believe OAN caters to a more
14 conservative base?

15 A That's a little easier one. OAN tends to reach a conservative base, yes.
16 But the three networks here -- FOX News, OAN, and Newsmax -- tend to be more
17 conservative in terms of their audience.

18 Q Are you saying for FOX -- and for Sinclair, though, you can't -- you don't have
19 a view as to whether it's a more conservative audience?

20 A Right, because they're on stations all across the country, and every station in
21 every market's different. So --

22 Q Okay. So let's look at exhibit 3.

23 Mr. Torchinsky. [REDACTED]

24 [REDACTED] Yeah.

25 Mr. Torchinsky. Would this be an appropriate point to maybe take a 5-minute

1 break? We've been going for like an hour and a half and Ben hasn't moved.

2 [REDACTED] If we could just finish this last document because it's an
3 extension of the last one, it may be easier -- it may be a good breaking point.

4 Mr. Torchinsky. Okay. Perfect.

5 Q So this is, again, is followup on the last email we just saw.

6 If you scroll down, please, Camisha. Up, up, up. Sorry. Up, up, way up, first
7 page. Yeah.

8 So if you scroll down just a little bit, you say: Correct. I reached out -- this is to
9 the FOX News question.

10 Correct. I reached out about 9 p.m. and no word. Out of window this is the
11 normal pace of business.

12 I think that's what you were saying earlier. Is that fair?

13 A That's right.

14 Q I wish I had better news, but we're at the mercy of S&P here. I'll keep
15 pressing.

16 And then you later say -- this is now -- that was a December 9th email. You now
17 say, December 10th, the next morning: I still don't have any feedback from FOX News.
18 I'll continue pressing for it and inform you as soon as I know something.

19 Then Mr. Miller writes to you. He goes: Ben, what type of national, quote,
20 "packages" does Sinclair offer? We have a voice on the team saying that's our roadmap
21 to salvation.

22 What did you understand Mr. Miller to be saying here?

23 A I don't remember what my understanding was, other than if he's asking for
24 national packages on Sinclair, that's not something that exists because they own a lot of
25 local market sellers, though it -- you know, in industry terms, it'd be an unwired network

1 where you're buying a collection of local sales -- or local TV stations around the country
2 that would reach whatever markets they're in, but it's not a full, true national footprint.

3 Q So is that fair to say that's why Mr. Miller said packages in quotations,
4 because he's understanding that it's kind of an oxymoron to want a national package with
5 them?

6 A No. And if that was the case, I think you would put the quotes around
7 national. Packages might have been wondering, you know, do they -- just that. TV
8 stations will sell blocks of programming as one unit and under one cost. You know,
9 think Super Bowl. People will sell you a Super Bowl spot with ancillary programming
10 built in, and you pay one fee. That would be a package.

11 Q Okay. What did you understand here when he says, "We have a voice on
12 the team saying that's our roadmap to salvation"? And that comment is in the context
13 of the FOX News not seeming to approve an ad in the time, you know, sought after.
14 What did you understand this salvation comment to mean?

15 A I don't recall. And I don't remember this particular transaction, but -- I
16 mean, I don't know. I can make inferences, but I don't think that's what you want me to
17 do.

18 Q Well, I want you to make inferences based on what -- if you have an
19 inference that you think you would draw based on your background and knowledge here,
20 then share them here.

21 A So, you know, as their media buyer, you know, our role is to have the
22 relationships with the sellers and be able to navigate the buying/selling landscape. You
23 know, with political campaigns, it's unique in that the client is usually a desired person to
24 have on your station, you know, to do interviews or appearances. You know, the bigger
25 the campaign -- in this particular case, you know, President Trump's campaign is as big as

1 it gets in this country -- you know, his staff were people of interest to media companies to
2 have sit for interviews.

3 So it wasn't uncommon for me to be concerned that people on the campaign
4 might have relationships with some of the networks and be able to provide services that I
5 couldn't because they have, you know relationships with different people.

6 So, you know, my read on this now -- I don't remember what it was at the
7 time -- was that maybe someone that was working on the staff had a relationship with
8 someone at Sinclair that was trying to figure out a way to do a media buy.

9 Q And just so I'm clear, your testimony earlier was that you don't -- that
10 Sinclair didn't have a more conservative or otherwise expected viewer base. Is that
11 right?

12 A So my role with Sinclair is to analyze each of their individual stations around
13 the country. So when we work with a Sinclair station, I'm only concerned about that
14 station, who it reaches in that particular market. Who their overall viewer base across
15 the country is of less concern, because outside of a Presidential race, our work is all local.
16 And even with the Presidential race, the work is largely statewide and local.

17 So, you know, if Sinclair is -- you know, in this example, Sinclair has a more
18 conservative audience, that's great, but not if we're in, you know, San Francisco. If they
19 don't have a conservative audience there, then I don't need to buy the station in San
20 Francisco, so --

21 Mr. Torchinsky. [REDACTED] let me see if I can ask a clarifying question or two.

22 So when you buy FOX News, is that broadcasting everywhere that FOX News
23 appears around the country?

24 Mr. Angle. In this instance, yes, we were buying the network, so right.

25 Mr. Torchinsky. Does Sinclair offer that same kind of network purchase, or when

1 you're buying at Sinclair-owned properties, are you buying individual stations in local
2 markets?

3 Mr. Angle. You're buying individual stations, local markets.

4 Mr. Torchinsky. Have you ever seen them offer a package of stations in local
5 markets on a larger, you know, pooled basis, or is it always separate individual stations
6 and individual markets when you buy Sinclair properties?

7 Mr. Angle. We had conversations with a lot of media companies like Sinclair,
8 TEGNA, Hearst, about doing unwired networks, meaning you would buy all of their
9 stations in their group that would reach wherever their geographies were, but it just -- it
10 didn't make sense, so we never did it.

11 Mr. Torchinsky. Okay. [REDACTED] does that help?

12 Mr. [REDACTED] It does. Thank you for that, Jason.

13 After this, we'll take our break.

14

BY [REDACTED]

15 Q Do you have any knowledge of whether Newt Gingrich was involved at all in
16 these post-ad campaign efforts? Did that name come up at all from your vantage point?

17 A I don't -- I don't know and I don't recall.

18 [REDACTED] Okay. All right. Jason, is a 5-minute break okay?

19 Mr. Torchinsky. [REDACTED] can I ask you a question?

20 [REDACTED] Yes.

21 Mr. Torchinsky. So we have gone through three exhibits and maybe 40 pages of
22 this PDF that appears to be 461 pages. How much longer -- how many more questions
23 do you think you have for Ben? I don't know what his schedule is. I mean, I thought
24 we were talking an hour or two, and I just don't know what his schedule is for the rest of
25 the day. And, you know, I'm just wondering kind of, are we halfway through your

1 questions? Are we a third of the way through your questions? Are we 10 percent
2 away through where you wanted to get?

3 Mr. [REDACTED] Yeah. I would say don't let the page -- the PDF page
4 number scare you. It's not a -- I would guess we're probably at least halfway through,
5 probably.

6 Mr. Torchinsky. Okay.

7 [REDACTED] There's a lot of pages here that we're not -- some of these
8 documents may just be big but just to catch everything. So I wouldn't worry about the
9 PDF number.

10 Mr. Torchinsky. All right. Are you good for awhile? Okay.

11 [REDACTED] All right. So let's go off the record now.

12 [Recess.]

13 [REDACTED] All right. We can come out of our recess.

14 BY [REDACTED]

15 Q All right. Mr. Angle, as part of your duties as a media buyer, did you have
16 any discussions regarding -- is it part of your duty to have discussions regarding the object
17 or the aim of the client? Meaning, in order to put forth an effective media buy plan, do
18 you need to know what the client is going after, who they're targeting?

19 A That certainly helps, yeah. That helps us do our job better, But we don't
20 always get that information.

21 Q All right. So here when you got your -- when you put together the media
22 plan here, what information did you have as to the aim of these December -- these early
23 December ads about the Trump campaign?

24 A I think you've shown everything I knew in the emails. They had a couple
25 budget ranges, a couple flight links in mind, and some networks in mind.

1 Q No. What I'm asking, though, would the substance of the ads be relevant
2 to knowing how to effectively -- where to effectively purchase the ads?

3 For example, if you're working for President Trump versus President Biden, I
4 presume a media buyer in your position would draft different media buy plans. Is that
5 fair?

6 A Sure.

7 Q So here -- and would it matter, for example, if what the ad campaign was
8 targeting, meaning what would make that an effective campaign, would that impact
9 where you would place the ads?

10 A It could, but it doesn't always.

11 Q So what about in this instance here, in this December ad buy, what impacted
12 the -- first, what was your understanding as to the goal of the ad campaign, and then
13 what impact, if any, did those goals have in your media buy plan?

14 A I don't recall us discussing the goal of the campaign, and this one was fairly
15 straightforward. These are networks we're interested in. This is the amount of money
16 we think we have, and this is when we want to get it on the air. And then when you've
17 got the -- you know, had to do the S&P dance while trying to put together a media plan.

18 Q Did you have discussions about the importance of timing here, about this
19 happening quickly?

20 A Yeah. I typically try to advise the clients on what the timeline is going to
21 look like.

22 Q No. I'm sorry. To be clear, I'm asking from the client's perspective, the
23 client wanting these ads on the air by a certain time.

24 A Yeah. I'll try to explain to them what is realistic. If someone called me
25 today at noon and said, I want an ad on the air by 2 o'clock today, I would tell them that's

1 not going to happen. Maybe it could happen by tomorrow at 2 o'clock if certain things
2 happen in the right amount of time.

3 Q Do you recall being directed by your client here, Trump campaign, that they
4 wanted ads on the air ahead of December 14th?

5 A I don't remember the December 14th day being a marker, but we could have
6 discussed that.

7 Q Do you remember -- well, separate from the specific date, do you remember
8 discussions about there being a date that mattered to get ads on the air by for the goals
9 of the campaign?

10 A I don't remember a specific date. I remember them always wanting to do it
11 quickly, and I remember that we were on the air in mid -- there was a weekend in
12 mid-December. I don't recall the exact dates, but there was -- it was like the second
13 weekend in mid-December when we were actually on the air for the first time after the
14 election.

15 Q Did you have any discussions with anyone about the importance of getting
16 on the air ahead of the date when States certified the election results?

17 A I don't recall that specific discussion.

18 Q Do you recall any discussions about States certifying the election results and
19 that impacting the ad -- the timing of the ads?

20 A I don't recall a discussion around the States' certification.

21 Q Did you understand that the goal of the ads was to impact the election
22 results? Did you have discussions about that?

23 A I don't recall having a discussion about that.

24 Q Did you have any discussion with anyone from the campaign or Jamestown
25 Associates about the goal of these ads, what would make these ads successful?

1 A No, I don't recall at any time talking about what would make an ad
2 successful.

3 Q What is a buy detail report? You provided those to the committee. Can
4 you tell us what exactly that is?

5 A Sure. It's a summary of the media buys that we would have sent to
6 vendors indicating to, you know, any media seller that these are the programs and time
7 periods that we intended to purchase for a client.

8 Q Uh-huh. Okay. So I think the last email we looked at was a
9 December -- one from December 10th, when you asked about the Sinclair package. I'm
10 going to show you exhibit No. 4, a buy detail report.

11 And it has -- it indicates -- and it'll be up in one second, but a flight start send and
12 a flight end send. What does a flight mean?

13 A It's the time period when an ad campaign is on the air.

14 Q Okay. So is it fair to say that the December 8th -- excuse me -- December
15 8th, 9th discussion we see that begin on December 7th both culminate in ads seeking to
16 go on the air ahead of December 14th? Is that fair?

17 A Could you repeat that one more time?

18 Q The initial email we saw from Mr. Weitzner that said that President Trump
19 and Jared Kushner wanted ads on the air about election fraud came on December 8th.
20 Do you recall that?

21 A Okay.

22 Q You do recall that? Yes?

23 A The emails we just read, yes.

24 Q Yeah, exactly. So here -- and then we've seen emails go on the 8th, the
25 9th, and the 10th about getting ads on the air.

1 A Okay.

2 Q Now, here this flight start on December 12th through the 14th, is it fair to
3 say that, at least for this portion, this is a culmination of the work we just saw to get the
4 ads on the air to run through the 14th?

5 A Yes. That's a fair assumption, yes.

6 Q Okay. And when we look at the left there, just so we understand this
7 document and how to read it, that NWSMX, that's just Newsmax, right?

8 A Correct.

9 Q And then what else are we looking at here? Can you kind of just quickly
10 just tell us how to read this document?

11 A Yeah. Do you want me to start in any particular place?

12 Q Yeah. No, if you could just give us a brief overview.

13 A Sure. It's showing you the time periods, you know, Monday through
14 Friday. You see the days, and then the time of day, 5 a.m. to 6 a.m. The day part code
15 is industry term for early morning. DT is daytime. EN is early news. PT, prime time.
16 The gross dollar amount listed there is the particular rate for that particular time period.
17 The duration is 30, 30-second ad.

18 So for one 30-second ad, it would cost \$600. It's in the 5 to 6 a.m. time period
19 on Newsmax.

20 And then the dates there across the top are the 3 days within this flight, Saturday,
21 Sunday, Monday. And then the number of units would be the corresponding number
22 under that date.

23 So reading across there, Monday through Friday, 5 to 6 a.m. time period costs
24 \$600. We ordered one spot on Monday, December the 14th.

25 Q So -- and tell me -- this is the committee's understanding and tell me if it's

1 correct -- that we have those emails. We saw the ads, in fact, went up on the air, and
2 they ran leading up to the 14th, and then that was the first set of ads that ran
3 postelection. Is that your recollection?

4 A Yes.

5 Q Okay. I'm going to show you document 5, starting on page -- the Bates
6 number of that first page are JTA82, but we are going to go to an email that's JTA86.
7 And it's an email from Jason Miller, and you'll see above it you're -- that you are on the
8 email, but you can't see it on this page, but I'll represent that to you.

9 And it says: Team, the President and Mayor Giuliani want to get back on TV
10 ASAP. Jared has approved in budgetary concept, so here's the game plan.

11 Larry, you're critical in that we need ASAP feedback on how quickly we can turn
12 around the updated creative, and. Ben, you're critical in that we need you to tell us how
13 much things cost and what we can get away with contentwise. No need to make perfect
14 the enemy of the good on either front.

15 So starting with Mayor Giuliani, is that who you -- what was your understanding as
16 to his involvement with the ad campaign, if you had any knowledge about that?

17 A I did not remember him being involved at all.

18 Q Okay. Do you recall this email?

19 A I did not until you showed it to me, and I still didn't remember that they
20 referenced Mayor Giuliani, so --

21 Q Do you reference -- do you recall that there was another period in December
22 where the campaign wanted an additional ad buy?

23 A There was a second ad buy toward the end of December, yes.

24 Q Okay. And that too was about election fraud, correct?

25 A I don't recall what ads we ran for that one.

1 Q Do you recall being involved in the S&P process?

2 A I'm certain that I was.

3 Q And do you have any recollection about that process?

4 A It'd be similar to what I've described to you already.

5 Q So here, Mr. Miller says: Ben, tell us what we can get away with
6 contentwise.

7 Did you have discussions with Mr. Miller about -- well, let me ask you this. What
8 did you understand him to mean when he said "what we can get away with
9 contentwise"?

10 A My understanding, I would assume when I read it then and as I read it now,
11 is, you know, to navigate the S&P process. It wasn't my job -- you know, I'm not a
12 lawyer and I'm not the creative team, so it wasn't my job to tell him what can and can't
13 run. It's just my job to send it back and forth between the parties.

14 Q Uh-huh. And we scroll down here.

15 Well, then there's discussions that talk about the substance, the goals here. And
16 so now we are -- just put it in timing frame, we're December 20th, so we're -- I'm not
17 great at math -- 6 weeks out from the election. President Biden is the declared
18 President-elect. I guess now 5 weeks ago from this time out, December 14th, the States
19 have certified the vote.

20 So when he says here, "what we can get away with contentwise," is it fair to say
21 that it was understood by Mr. Miller and others representing the campaign that the goal
22 here was to push the S&P boundaries?

23 A I don't know what Mr. Miller's goals were here.

24 Q Well, I'm asking you. He tells you what we can get away with contentwise,
25 which reflects he thinks you have an understanding of what he's saying. So I want to

1 unpack what your understanding is. Right? When I read "what we can get away with,"
2 that suggests pushing boundaries. It suggests going up to the edge. It suggests seeing
3 how far we can take something.

4 Is that not a fair reading of that?

5 A I can see how you could read it that way. For me it's are they going to say
6 yes or are they going to say no? To me there's no degree of yes or no. It's yes or no.
7 It's a black and white answer to me. And any conversation between the vendor and the
8 creative team in between, I get as much information as I can and share it with them.
9 But what the client wants to say, it's not up to me, and what the vendors accept it's not
10 up to me.

11 Q Yeah, I understand that. But it's your job to manage the client
12 expectations, correct?

13 A Sure.

14 Q Right. It's your job to give feedback to the client as to what you think
15 they're going to run into issues that's not going to get on the air, right?

16 A Okay.

17 Q I'm not asking okay. Is that correct?

18 A Yes, a good client manager would try to help facilitate that.

19 Q Right. So and being a good client manager, you not only would tell the
20 campaign what it would cost, but you would tell the campaign what they can get away
21 with contentwise. I mean, that's what the email says.

22 Is Mr. Miller incorrect here?

23 A I mean, I was not advising to the campaign what they should or shouldn't
24 say.

25 Q I understand that. But is it fair to say that you were expressing to the

1 campaign where the -- your understanding of where the boundaries were with what the
2 networks would accept?

3 A I was communicating feedback from the networks to the campaign.

4 Q So then you had --

5 A Each network had their own boundaries. I don't know what those
6 boundaries were, and I still don't know. I can make assumptions based on experience,
7 like you saw in previous email.

8 Q But that experience is why -- that's your job, right? Part of being a good
9 media buyer is having the experience to understand where the boundaries are likely to be
10 with different networks. Is that fair?

11 A That's -- it's fair, but it's -- again, it's subjective, you know.

12 Q I understand that. But I guess if it's subjective, that's why a campaign or a
13 client would pay an experienced media buyer because they would have the knowledge
14 that a person like me would not, right? You are well suited to express to your client
15 what they can get away with contentwise.

16 So what I'm trying to understand here is that --

17 A I don't have --

18 Q I'm sorry, but we can only speak one at a time.

19 But here -- and I want to hear what you have to say -- he asks you, "what can we
20 get away with contentwise," and I want to just get your feedback on -- that to me
21 suggests, especially in light of the prior conversations we've seen regarding these claims,
22 that there were discussions as to boundary pushing. Is that fair?

23 A I don't know what ad or copy he was referring to in this particular email.

24 Q Well, I can show you that at the bottom of this email -- we can scroll down.
25 You can keep going.

1 Here he goes: As a reminder, these two ads ran last week and nationally on
2 Newsmax and OANN: Stop the Steal, Overwhelming, On Tape.

3 And if you recall, On Tape is the video we talked about that dealt with the Georgia
4 suitcase ballot, for example.

5 So we've looked at the substance of these described in a prior email, if that
6 refreshes your recollection, but we're talking about the same emails -- or the
7 same -- excuse me -- the same kind of subjects we were talking about previously.

8 Does that help refresh your recollection?

9 A So the rest of the context of this email helps. You know, you stopped and
10 focused on that line at the top. The way I -- you know, to me, now seeing the rest of
11 this, it means who else would take those ads.

12 Q Okay.

13 A And I would have asked, you know, other vendors if they would run these
14 particular ads.

15 Q Okay. So who were those other vendors?

16 A I don't recall who specifically I would have asked that particular -- for that
17 media buy.

18 Q Well, when you say others, you mean besides Newsmax, OAN, FOX, FOX
19 Business, and Sinclair, another vendor besides those spots?

20 A There might have been. We ran locally in several States that last week or
21 toward the end of December.

22 Q So can you tell me an example of another -- because in looking at documents
23 relevant to these topics, I haven't seen a mention of another vendor. So when you say
24 it's referencing that, is there --

25 Mr. Torchinsky. [REDACTED] just for point of clarification. The buy documents that we

1 sent, you had a whole lot of individual stations in various tickets on various days.

2 [REDACTED] Yeah, uh-huh.

3 Mr. Torchinsky. Is that what you're referring to?

4 Mr. Angle. Exactly. Yes. So I would have sent -- any of those that we were
5 interested in purchasing, we would have sent these ads.

6 [REDACTED] So, Jason, just so we're clear, you're saying that -- because
7 I see -- and I'm looking at the buy documents. What vendors are you referencing?
8 Because in looking, I see Newsmax, OAN. I see FBN. I see FXNC. I see Newsmax
9 again, and I see OAN. I see FBN, FXNC, Newsmax, and OAN.

10 So it seems like when you say it's referencing other vendors, the buy documents
11 have, seems to me, the exact vendors we've been talking about still. But tell me if I'm
12 misreading.

13 Mr. Torchinsky. I think what you're maybe missing is like, for example, like, if
14 you look at the -- it says -- I'm looking at a document that says -- this is in the document
15 called Cable and Radio Orders.

16 [REDACTED] Okay.

17 Mr. Torchinsky. For example, Media: Cable. VYVE Broadband, Viamedia.
18 And then it says, you know, Dave -- here. Yeah. So it says: Vendor: VYVE
19 Broadband, Viamedia/Douglas, Georgia.

20 Ben, what does that mean to you?

21 Mr. Angle. So that's a local cable system. So we worked with some of the local
22 cable systems in a couple of States. We worked with some local radio stations in a
23 couple of States.

24 Mr. Torchinsky. So the next page of that same document says: Vendor: Plant
25 Telecommunications, Prime Media/Tipton, Georgia.

1 Ben, what does that mean to you?

2 Mr. Angle. Local cable system.

3 Mr. Torchinsky. How about media -- Vendor: Mediacom/On Media/Albany,
4 Georgia Interconnect?

5 Mr. Angle. Local cable system.

6

BY [REDACTED]

7 Q To be clear, Mr. Angle, you're saying that when Mr. Miller says, "what we
8 can get away with contentwise," he's asking you to look up local business, local radio,
9 local news stations?

10 A We were planning another media buy, and as I've explained, for me, I need
11 to know if someone's going to run this spot or not. If they're not going to, then there's
12 no point in us putting it on the buy.

13 But I would have sent it through a company called Ampersand. They're a local
14 cable rep firm. They represent the majority of local cable systems around the country,
15 and then they would have run it through their various S&P processes, whether it's
16 Comcast or Suddenlink or Viamedia. They would all have their own internal review
17 processes and tell us whether or not they would or would not run the ads.

18 Q So are you saying that it wasn't -- that this isn't about the content of the ads?

19 Because it seems to me like there are concerns here that there are issues that the
20 content of these ads are going to create issues and getting cleared to run on the air in
21 certain places. Is that consistent with your recollection that you had -- that you have
22 from this time?

23 A That's consistent with my job. Whenever we send an ad, we're never
24 certain if it's going to be approved or not, and that's their political issue for corporate.
25 I've had corporate ads in the last week that were rejected for reasons that I would not

1 have expected. So -- and this is not -- this is not an unusual process for us to have an ad
2 and be concerned about whether or not it's going to be approved by a vendor.

3 Q I understand that. But are you saying that running ads regarding election
4 fraud 6 weeks after an election in order to motivate State legislators to turn -- to hear
5 claims of voter fraud, you're saying that didn't bring about any different concerns in
6 content -- in the content than a corporate ad would?

7 A It was --

1

2 [12:17 p.m.]

3 Mr. Torchinsky. [REDACTED] I just want to clarify, I don't think Ben has ever
4 represented why those ads were being run. I think you're making assumptions and
5 asking Ben to react to them, and you're not asking him questions based on his knowledge
6 at the time. So I'm a little concerned about where you're going with this line of
7 questioning just because of what Ben has represented about what he understood or what
8 his role was in this.

9

BY [REDACTED]

10 Q Here, Mr. Angle, Mr. Miller is asking you about what we can get away with
11 content wise, correct?

12 Mr. Torchinsky. I guess, Ben, let me see if I can ask a clarifying question. When
13 that email says, what can we get away with, what did you understand that to mean at the
14 time?

15 Mr. Angle. My understanding, reading the entire email here, which is what I
16 would've done -- I wouldn't have stopped at that point, I would've read the full
17 email -- my understanding is, who's going to take these ads that have already run on Fox,
18 OAN, and Newsmax, what other media vendors would take them?

19 Mr. Torchinsky. So was it your understanding that he was talking about different
20 content, or was he talking about those same three ads just being broadcast on other
21 stations?

22 Mr. Angle. My -- at the time -- and I'm assuming that at the time that my
23 assumption was these three ads, because they wanted to get them on air for the local
24 cable that we were buying.

25 If there's another email that indicates differently, I don't recall it, but -- I don't

1 recall making content recommendations.

2

BY [REDACTED]

3 Q Did you have any discussions as to the goal of these ads being to help
4 challenge the election results?

5 A I did not have those discussions other than what's emailed to me.

6 Q Yeah. But is it fair to say that you were aware that that was the goal of the
7 ads at that time?

8 A That's fair. And it's right here.

9 Q And the ads were slated to run through January 6th because January 6th was
10 a day of significance for the campaign's efforts. Is that fair?

11 A We ran through January 5th.

12 Q 5th. And is that because the 6th was a day of significance?

13 A Yes.

14 Q Now, when you scroll down to TV and radio creative, here it indicates that
15 the ads are going to have some changes to them, right? "The President and the mayor
16 both love the two TV spots we got approved for Newsmax and OAN and would like to
17 keep the final product as close to these existing ads as possible, but add in references to
18 illegal aliens and out-of-State voters if at all possible, but the endings need to be changed
19 to include phone numbers and directions to call local and governor and State legislator,"
20 blah, blah, blah, blah.

21 So there, there are changes to the ad that were previously ran that the President
22 wants made, correct?

23 A That's what it sounds like.

24 Q So when you talk about what you can get away with content -- when you ask
25 about what you can get away with content wise, it's fair to read that that was also

1 inferring to new ads that would be created, is that fair, reading the whole email?

2 A Sure. It seems like edits to existing ads.

3 Q So is it fair to read that when you asked what we can get away with content
4 wise, that refers to -- that reference includes additions to the President's -- that the
5 President and Mayor Giuliani want to the ads about fraud, and whether that -- whether
6 the campaign can get away with that?

7 A I suppose so.

8 Q Does National Media have any policies that would restrict content of ads it
9 would push to be placed on air? Do you have any internal rules or regulations that
10 moderate when you would accept the content of an ad, or otherwise wouldn't accept it?

11 A Not that I know.

12 Q So hypothetically, if a client wanted to put forward an ad that you thought
13 was substantively false, or had issues, but it cleared OAN, for example, is there -- do you
14 have any policies or regulations that would -- that would be relevant to that fact scenario
15 or no?

16 A Could you just give me that one more time?

17 Q A hypothetical of a -- if the Trump campaign, for example, wanted to put an
18 ad up that had factual issues in your -- in your belief, as in you thought it did, but it
19 cleared OAN's S&P process, are there any rules and regulations at National Media that
20 would prevent you from pushing that forward?

21 A No. There -- there are no policies that would prevent that. I'm free to
22 raise the concern with my, you know, superior.

23 Mr. Torchinsky. Ben, let me ask this: Have you ever raised a concern about a
24 candidate's ad with anybody above you at National Media, because of content?

25 Mr. Angle. I've had those discussions.

1 BY [REDACTED]

2 Q What's an example -- without -- you don't have to tell us the name of the
3 candidate, but what's an example of an issue that you raised?

4 A I don't remember a specific ad, but it -- more often than not, the concern
5 would be whether or not I want to work on a particular campaign.

6 Mr. Torchinsky. So not necessarily specific to a particular ad, but if there was a
7 candidate that you didn't like, or a client that you didn't like personally, you might say --

8 Mr. Angle. Right.

9 Mr. Torchinsky. -- hey, can I not work on this account?

10 Mr. Angle. Right. And we respect those requests from our staff.

11 BY [REDACTED]

12 Q Did you raise any issues as it came to working on the Trump campaign?

13 A In 2020?

14 Could I have a moment to ask these guys a question?

15 Q Of course. You want to make sure you put us on mute.

16 Voice. Yeah, hold on.

17 [Discussion off the record.]

18 Mr. Torchinsky. [REDACTED]

19 [REDACTED] Yeah.

20 Mr. Torchinsky. [REDACTED] I think we're ready to come back. I think my concern
21 here is, I think you're getting into Mr. Angle's personal views on various clients,
22 candidates, parties, and I'm just not sure how that's relevant to January 6th. And I think
23 Ben would rather -- you know, we would rather that Ben not have to disclose his personal
24 views and clients that he didn't want to work on for one reason or another. I just don't
25 quite catch the relevance of that to your questions.

1 [REDACTED] Well, let me rephrase. Let me try to narrow my
2 question, and maybe that would be helpful.

3 Mr. Torchinsky. Okay.

4 BY [REDACTED]

5 Q Did you raise concerns, post election, about -- did you have any concerns
6 that you raised up the National Media chain about working on the post-election fraud ads
7 for the Trump campaign?

8 Mr. Torchinsky. At the time.

9 Mr. Angle. I don't recall raising concerns about the content. Our focus would
10 have been on how to navigate it as an entity. You know, the campaign was -- they were
11 no longer a campaign for an office, so what did that mean in the context of media buying?
12 You know, what rate class did they qualify for? You know, what political forms did we
13 need to file with our ad buys? But those were the things that we would have discussed.

14 Mr. Torchinsky. But not the content of the ads?

15 Mr. Angle. Not the content of the ad.

16 BY [REDACTED]

17 Q Well, what would be the import of the decision there? Is it just purely like
18 an accounting, filing documents question, you're kind of referring to?

19 A That was a big piece of it, yes.

20 Q Is there another piece of it?

21 A And as you know, all of our work is placed in the public file, and, you know,
22 we want to make sure that we are above board or file everything properly here.

23 Mr. Torchinsky. [REDACTED] let me see if I can add --

24 [REDACTED] Yeah.

25 Mr. Torchinsky. -- on the legal background. There are FCC recordkeeping

1 requirements and FCC rules about what rates stations can charge candidates at various
2 times, and the paperwork that Ben and National Media submit to the stations impact, you
3 know, one, the station's compliance with the FCC recordkeeping requirements; and then
4 two, you know, the paperwork that they submit also impacts the rates that their clients
5 are offered because -- I think we've talked about this -- that whole lowest unit charge
6 regulation comes into effect at certain times.

7 [REDACTED] Uh-huh.

8 Mr. Torchinsky. What I think I hear Ben saying is, they weren't sure whether
9 lowest unit charge applied to these ads or not.

10 BY [REDACTED]

11 Q Is that all accurate, Mr. Angle?

12 A That's accurate.

13 Q Let me show you -- hold on one second. If you just scroll up, just same
14 exhibit that we were on, you can go up -- we're almost done with this. Here
15 Mr. Weitzner responds to Mr. Miller and says, "The Fox News-approved spot took a week
16 to get approved by their legal department, so we have to consider that delay when it
17 comes to creative. My suggestion would be to use that spot with minor modifications
18 nationally to put pressure on the legislators and to ensure our base across the country
19 sees it."

20 Is it fair to say that when you were selecting the ad buys for this campaign,
21 understanding that the President's base and the folks here who would put pressure on
22 legislators, that that was part of the media buy plan that the campaign adopted? Like,
23 this was an objective of that media buy plan?

24 A That's fair to say. That's -- that's why the three networks that we've
25 discussed were used.

1 Q I'm going to show you quickly -- I'm going to hop back to exhibit 8. And
2 then the first email here is from Larry Weitzner, at the bottom, is -- yeah, ending in 1015.
3 It's exhibit -- what exhibit is this? Is this 7? What is this?

4 You know what, actually, let's do 7. Sorry. Let's just scroll up to 7. Well, you
5 can just scroll up. I think that's the same. It's just the last page of 7 real quick.

6 So here there's an email from you where you say all we have just heard from
7 Newsmax CEO that he'd like a couple of changes to the spots per below. And it says
8 remove or change "secret is out," blur any faces -- there's a body of changes there. Did
9 you hear directly from the Newsmax CEO, or how did that information come to you?

10 A It sounds like I was in contact with them, yes.

11 Q Do you recall speaking to the Newsmax CEO directly?

12 A I don't remember if it was an email or a phone call.

13 Q But you did speak with him directly?

14 A It seems like I did. And I don't recall the conversation.

15 Q I guess what I'm asking, sitting here today, do you recall -- have you ever
16 spoken to the Newsmax CEO directly? Is that --

17 A I'm telling you that it -- it seems like I did. I do not recall talking to him, and
18 I don't talk to him on a regular basis.

19 Q Okay. But you do talk to him sometimes? In the past?

20 A I could not tell you his name right now.

21 Q Okay. Yeah. I mean, I'm just trying to get a sense of, like, is that a
22 noteworthy thing? Like, is that a -- I mean, I don't know who he even is, but is that a
23 thing of significance to you, that the CEO of Newsmax directly reached out with edits to
24 an ad?

25 A It seemed like he would be the person that had the final say. That's why it

1 would be noteworthy to me.

2 Q Had you talked to anyone else that senior at any other networks?

3 A I have.

4 Q In relation to the Trump campaign or just in general?

5 A In general.

6 Q Okay. I'm going to show you document 8. This is a December 22nd email,
7 Bates-stamped JAS11482. It actually follows the same chain that we were just talking
8 about, and we can start actually at the top here.

9 So here, the first email, Carlos Cruz from Jamestown sends you and says, "Ben,
10 here's a Newsmax friendly version of Overwhelming with the updates text demand and
11 no reference to secret." So it seems like that's a cycle, making revisions that Newsmax
12 wanted. Is that fair?

13 A That looks right.

14 Q Was that common -- is that a common thing in your business, to make
15 network-specific political ads?

16 A It's common.

17 Q Okay. It seems like -- let me ask you this: Here, as far as the -- do you
18 recall that there were cuts made in the post-election ads that perhaps were more
19 aggressive for some stations, less aggressive for others? Is that fair, that by making
20 these cuts, sometimes you might take things out that another station didn't ask for that
21 makes it less -- and I know that's my terminology, aggressive -- but makes maybe less
22 assertions. Is that fair? That depending on what the network needed, you might
23 alter -- that's something that campaigns would typically do?

24 A It's not uncommon to edit an ad based on an S&P department's request.

25 Q And to do it network by network? Is that fair?

1 A It's not uncommon to do that, correct.

2 Q Okay. Give me one second, Mr. Angle. Some of these topics we've
3 covered, so I want to just be judicious with our time and so we're not rehashing same
4 subjects.

5 What is Westwood One?

6 A It's a radio vendor.

7 Q Are they -- how do they compare, size wise, to other companies in that same
8 space?

9 A I don't know. That's an odd question. I'm not sure how to answer. I
10 mean, they're a major radio company in the United States. Size in what context?

11 Q I mean, I don't understand -- I don't know much about the radio landscape,
12 and by much, I mean zero. So in trying to understand what Fox News is versus
13 Westwood, is that -- are they -- is it work, like, there is -- Westwood is somehow an entity
14 that controls a lot of radio stations or -- how does that work?

15 A They -- I recall in this instance they have a lot of the syndicated radio
16 programming, so the radio talk shows. So, like, a Fox News, they're a national network
17 where if you buy a radio program that they have, it's going to run across the country,
18 wherever that program is broadcast versus buying it through your local, you know, WAAA
19 FM.

20 Q So let's look at exhibit 18, please. So we can scroll down, please, to
21 the -- we can start at the bottom, ends in 10721. So here, Larry Weitzner sends around
22 TV spots and scripts on December 21st. He then -- he says, Jason, any timing of
23 approval for creative? Mr. Miller says, I'm meeting with POTUS at 2 p.m.

24 We can scroll up.

25 And then eventually you write an email saying, Westwood One rejected the

1 national radio ad based on the following. And it notes, voter total claims, for
2 attribution, the claims of fraud, victory -- so it has different claims there -- please advise
3 how you'd like to proceed.

4 And then later again, on December 22nd, you write another email where you
5 provide more edits from Westwood One that says all of these claims will need to be cited
6 with the source in a voice-over at the end of the ad, as the claim -- as they are claims of
7 fraud.

8 And Jason Miller responds, screw Westwood One. We just won't advertise with
9 them. Not enough time for all these changes. Keep us posted on other required
10 changes.

11 Can you kind of unpack for us what's happening there?

12 A It's similar to what we've been discussing all morning. They had an ad, we
13 sent it for approval, we got feedback. Looks like there might've been a couple of
14 back-and-forths about what the S&P department wanted, and the campaign decided to
15 go in a different direction.

16 Q What was your understanding as to why Mr. Miller would be -- would say
17 "screw them"? Because as I understand it, it's pretty normal to ask for substantiation,
18 or sources. So any idea why he would respond that way?

19 A I can't speak for Mr. Miller.

20 Q Well, I'm asking -- to be clear, I'm asking, you received this email, which to
21 me, him writing this to you, suggests that if he didn't have to explain why he was upset,
22 it's because you would understand why he was saying "screw Westwood One." So when
23 you received this email, what was your understanding as to what upset him?

24 A I don't think I gave any thought to what would have upset him. You know,
25 in our world, hopefully not in yours but maybe so, people use choice language. I don't

1 care for it, I don't use it, but others do. You know, I'm not going to answer for Mr. Miller
2 about why --

3 Q Again, I'm not asking you to answer for Mr. Miller. I'm asking what you
4 understood. So you get an email, it's your biggest client from that year. The
5 representative is upset about something. My presumption would be that you would,
6 you know, attempt to understand their grievance. So what did you understand him to
7 be upset about here?

8 Because these claims, for example, one of them is in Georgia, suitcases of ballots
9 counted after observers went home. Right? We've talked about that. That's the
10 claim that Mr. Parkinson and Mr. Cannon took issue with.

11 We have, illegal aliens voted in Nevada. I think if you recall, Mr. Giuliani and
12 Mr. Trump wanted illegal aliens added in ads. There's a claim here according to
13 exit -- so I guess what I'm asking here is that, did you have any understanding why
14 Mr. Miller, why the campaign just didn't provide substantiation?

15 A So real quick, I don't recall what Mr. Giuliani and Mr. Trump wanted added
16 to or taken out. I remember now that he was on -- well, I don't remember, but I saw he
17 was on email. In this case, it's not uncommon for a client to be disappointed when their
18 ads are rejected. You know, they spent time and money producing them, and for it to
19 be rejected, you have to go back and change strategy, change placement, or you don't do
20 it at all, or change ads. So it's not uncommon for someone to be disappointed that that
21 happened.

22 For me, this email meant, don't spend time working with Westwood One. You
23 know, I would likely have called my rep and said, Sorry, it's not going to work out, and
24 moved on.

25 Q Okay. I'm going to look at exhibit 19. Here -- you can scroll down a

1 bit -- here it seems like -- you can stop there -- it's an email from you that seems to be
2 what we've been talking about, right? You say at 12:23, Update, Effectv, formerly
3 Comcast, has rejected the ads and will not run our orders on local cable.

4 It says, Local cable, Michigan ads rejected by Effectv, and it just lists out approvals
5 and rejections.

6 To the extent that you can offer us insight, in this time period here, did it appear
7 that the rejection rates here were higher than normal, or the S&P issues were higher than
8 normal?

9 A I don't track what's normal.

10 Q Well, part of your job is to understand your industry, is it not, understand
11 the S&P process and to predict for your clients what's going to happen, which we've seen
12 you do in emails. So here you lived it and went through it. Did it seem -- and you've
13 done a variety of political campaigns -- did this seem to you to be within the range of
14 normalcy or not?

15 A This was all normal, yes.

16 Q Okay. So there were no added -- is it fair to say from your vantage point
17 that the substance of these ads didn't raise additional issues that were not completely
18 expected or normal for any political ads regardless of substance?

19 A Yeah. I mean, again, this -- this was normal. Nothing struck me as -- as
20 different about the process.

21 [REDACTED] Jason, let's go into recess for 5 minutes. I want to just
22 talk with the team and see what other things that I want to talk about.

23 Mr. Torchinsky. Okay. Sounds great.

24 [REDACTED] All right.

25 [Recess.]

1

BY [REDACTED]

2

Q All right. I think we should be done shortly. Just a few more points.

3

Mr. Torchinsky. I think -- I think during the break, I think we discussed a little bit

4

about Ben's role on some of these emails. So do you want to kind of explain your role

5

on some of these emails generally with clients, and just kind of what we were discussing

6

about how you were often on these chains. Why don't you go ahead and explain that to

7

Tem.

8

Mr. Angle. Sure. It's not uncommon in our industry, I imagine in yours too, for

9

people to start email chains with a lot of people on them for -- for the purpose of making

10

sure people are aware of what's happening, without any specific intention of them

11

responding or being involved. So you see a lot of people copied there for -- for various

12

reasons, or just that reason.

13

BY [REDACTED]

14

Q Okay. Thank you, Mr. Angle. Just really quick, can you tell us just what is

15

the document retention policy for National Media?

16

A What? I'm sorry. The what retention policy?

17

Q Document retention.

18

A I don't know. I know our accounting department keeps all of the

19

accounting documents for the required minimum period of time, and I want to say it's

20

either 7 or 10 years.

21

Q And what about your emails?

22

A I don't know that we -- that we have one. I'm not aware of it.

23

Q All right. So the documents -- these emails that we have are obviously not

24

from you. Do you have emails from that time period?

25

A I would think so. I'm not the IT guy, so I don't -- I don't manage those

1 things.

2 Q Okay. But you have no reason to think your emails have been deleted or
3 otherwise are not available to you related to the post-election time period?

4 A Correct.

5 Q Okay. Did you ever speak with anyone related to the Trump campaign over
6 text message, or anything else besides email or telephone?

7 A There were some texts.

8 Q Between who?

9 A What period of time are we talking about?

10 Q Post election, through January 6th.

11 A I -- I don't recall specifically. If it would've been anybody, it would've likely
12 been Kaelan Doerr, maybe -- maybe Jason. You know, largely I was communicating with
13 him on -- on email. Most of my text communication with the campaign was prior to the
14 general Election Day, with other individuals.

15 Q Okay. So you may have -- I mean, you may have some texts, and you think
16 you would have the email from this time period?

17 A I would think so, yeah.

18 Q Okay. Okay. Thank you.

19 I want to turn back -- all right. I want to just turn --

20 Mr. Torchinsky. Can we go -- just on the documents, if there are particular
21 emails or email chains you want us to search for, if you want to let me know, you know,
22 obviously we want to cooperate as much as we can in terms of giving you documents,
23 rather than having to go through the whole subpoena process, because I think I've
24 expressed to you for other clients, you know, every time that happens, it seems to make
25 the front page of the news, and we're not interested in that.

1 [REDACTED] Yeah. We'll talk about that, Jason.

2 Mr. Torchinsky. Okay.

3 BY [REDACTED]

4 Q So I want to just kind of zoom out a bit -- kind of out with this last topic, and
5 it's something we hashed a lot, but I want to unpack it with you just a bit further.

6 Actually, before we do that, I just want to go over some points that you had
7 brought up in your last interview. On the approvals process, you mentioned in our last
8 interview -- and I want to see if you recall saying this -- that you didn't recall who exactly
9 was directing Mr. Miller, but that you understood that the approvals coming from
10 Mr. Miller were coming from someone above him. Is that fair?

11 A I don't know if they were above him or -- or who they were, but -- I assume
12 there were other people involved. You know, he was not the campaign manager.

13 Q Is it fair you understood -- I mean, the emails that you're on indicate that
14 Mr. Miller is going to meet with Mr. Trump for approvals on the budget and creative.
15 And if you don't recall that, I'm happy to show you the emails. Is it fair to say that you
16 understood that Mr. Trump was the ultimate decisionmaker here?

17 A I -- I know that he was meeting with him. I don't know who the ultimate
18 decisionmaker was. I would assume as in any case, you know, whoever the client is,
19 they get the final say.

20 Q Now, speaking to the S&P process that we've talked about a lot here, we
21 want to zoom out and talk about that process, but in the context of December of 2020.
22 So it's post election, there's President-elect Biden has been declared. At this second
23 period of the second ad buys, we have -- the States have certified election results.

24 I want to, if you could just give us some insight, whether the rejection of some of
25 these ads by S&P departments were -- is it fair to say that they were predominantly about

1 the truth and accuracy of those ads, whether the fraud claims made were, in fact, true?
2 Is that fair?

3 A I can't speak to the S&P departments. I know I've explained that -- that,
4 you know, I have zero contact with any S&P department. All the -- everything that's
5 communicated to me comes from a salesperson, so it's secondhand.

6 Q Well, whether it's secondhand, thirdhand, firsthand, it's reflected on you as a
7 representative of the campaign, and you rely on that enough to go back and tell the
8 campaign that feedback. So wherever you get it from, it's reliable feedback. Is that
9 not fair?

10 A Sure. Yeah.

11 Q Right. So when you get that feedback at this time, from news stations all
12 across the country that you're seeking for this national ad blitz, is it fair to say that the
13 truth and accuracy of these fraud claims was something that was the primary basis by
14 which networks took issue with these ads?

15 A They're taking -- their job is to identify factual statements, whatever the
16 context of the ad is, you know. In this particular instance, the ads seemed to be about
17 the fraud. So their -- their approval or rejection was related to those fraud statements.
18 You know, my interest wasn't in the content of the ad. It was whether they said yes or
19 no.

20 Q So -- and when they were rejecting the ads, these election fraud ads,
21 regarding those statements, it's because they found that the substantiation in those ads is
22 insufficient?

23 A Yeah. I would -- I would defer to whatever was written in the emails that I
24 communicated back to the campaign from the salespeople.

25 Q Well, you're the expert here. So I want to defer to you, not the emails,

1 because you have more knowledge than the emails, and you were there, and you lived it,
2 and there were millions of dollars in ad buys that went out through your company. So I
3 would like to get your insight and not just the emails, because we can read the emails on
4 our own, but we really hope to get your insight.

5 So is it fair to say that in that time period, different networks approached the
6 election fraud claims in different manners? Is that fair?

7 A Different networks approached the S&P process differently. So every
8 network is going to review a spot and have a different set of criteria that they're using,
9 and come to a different conclusion. In this instance, again, whatever my emails said,
10 that's the feedback they gave to me.

11 Q So in this instance, the networks that were most receptive to the ads running
12 would've been -- would've been obviously where the ads ran? I mean, that's a little
13 circular, but -- right? Like, well, you know what, let me rephrase that question. I want
14 to say it simply.

15 It appears, looking at these emails, that it was easier to get these ads up on Fox,
16 OAN, and Newsmax, and the S&P processes for other networks didn't allow for that. Is
17 that fair?

18 A That's what happened, yes.

19 Q Okay. So then it's fair to say that the S&P processes by which those other
20 networks -- not the ones I just listed, but these other networks -- their S&P processes
21 took issue with the election fraud claims made in these ads?

22 A They found some -- they found some issue with the ad that they decided was
23 not worth their money, so they decided to reject the ad.

24 Q And the issue that commonly showed up here was about the truth and
25 accuracy of the assertions in those ads, is it not?

1 A Okay.

2 Q Well, I'm asking you.

3 A Yeah. I -- yeah, I suppose so. Again, I -- I don't recall all the conversations
4 I had. My role, as a media buyer, isn't the content of the ad. I don't make judgments
5 about the content. I just share the content with the vendors when I get it -- sometimes I
6 don't actually get access to it -- and then receive feedback from the vendor and share that
7 with the client and the ad-producing team.

8 Q Here you had the content. We see that from the emails, correct?

9 A Right.

10 Q And you reviewed the content because you provided feedback on the
11 content, correct?

12 A I provided the feedback that was -- yes, yes.

13 Q Yeah. So here, when you were having discussions with the networks, you
14 were aware of what the content, at least generally, of these ads were, correct?

15 A Correct.

16 Q And when those -- when certain networks approved the ads, you were
17 generally aware of the ads they were approving, correct?

18 A Correct.

19 Q And when certain other networks rejected the ads, you were generally
20 aware of the ads they were rejecting, correct?

21 A Correct.

22 Q And when those networks that rejected the ads did so on the basis of truth
23 and accuracy, you were aware that it was because they took issue with the truth and
24 accuracy of the election fraud claims in those ads, correct?

25 A Correct.

1 Q And the -- and in the group that accepted those ads, meaning they did not
2 take issue, at the end of the day, with the truth and accuracy of the election fraud claims,
3 were Fox News, OAN, and Newsmax, correct?

4 A Correct.

5 Q Give me one second. I just want to see if I have anything else.

6 Mr. [REDACTED] All right, Mr. Angle, I think -- I think unless I hear
7 differently from my team, I think that's all the questions we have for you today.

8 Mr. Torchinsky. [REDACTED] hang on for just one second. I need to make sure there's
9 nothing else we want to add. Give me just one moment.

10 Mr. [REDACTED] Okay.

11 [Discussion off the record.]

12 Mr. Torchinsky. [REDACTED] we don't have anything else.

13 Mr. [REDACTED] Mr. Angle, Jason, Jessica, thank you all for taking out the
14 time. If we have any other questions, Jason, I'll reach out, and we can try to circle up on
15 any additional documents or anything else that -- information we may need. But until
16 then, this transcribed interview stands adjourned. Thank you all.

17 [Whereupon, at 1:08 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date